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June 17, 2104

TO: Rio Dell City Council
FROM: Jim Stretch, City Manager

SUBJECT: Public Hearing and First Reading of Wastewater Ordinance 322-2014 concerning the removal of wastewater fees from the City Municipal Code Ordinance for placement in Resolution 1222-2014, and payment of new connection fees.

IT IS RECOMMENDED THAT THE CITY COUNCIL:

1. Introduction and first reading (by title only) of Ordinance 322-2014 to amend Rio Dell Municipal Code (RDMC) Section 13.10.130, noting when wastewater fees are due and transferring wastewater fee authority from the Code to Resolution 1222-2014, and
2. Open Public Hearing and receive public testimony on Ordinance 322-2014, and
3. Continue the public hearing for a Second Reading on Ordinance 322-2014 on July 1, 2014

BACKGROUND AND DISCUSSION

On May 20, 2014 the City Council by motion and unanimous vote accepted staff's recommendation on the proposed wastewater rate study as set forth in the May 14, 2014 rate study by Bartle Wells Associates. As you recall, the recommendation was to change the wastewater rates from a fixed \$76.16 /month to a rate structure of 70% fixed (\$47.01/month) and 30%/month determined by volume and strength of water usage, based on the survey month of the preceding December, January and February. The Council was ready to take an action on May 20, 2014, but the applicable Resolution and Ordinance was not prepared. The Council directed that the public hearing be continued and for staff to return with the necessary Resolution 1222-2104 and Ordinance 322-2014, which are presented this evening as separate items.

Ordinance 322-2014 proposes minor changes to Section 13.10.130 of the RDMC, deleting the fee language concerning fees for new sewer connection, in favor of establishing them in Resolution 1222-2014 also on the agenda this evening. This amendment is desirable because Resolutions are much easier to amend for whatever reason in the future.

The second minor amendment to Section 13.10.130 provides that connection fees are payable when the building permit application is filed, prior to construction.

Ordinance 322-2014 is attached and becomes effective 30 days thereafter it is adopted on July 1, 2014. That is also the same date that Resolution 1222-2014 is effective.

Attachment: Ordinance 322-2014, amending RDMC Section 13.10.130.

ORDINANCE 322-2014

WHEREAS, the City of Rio Dell adopted Resolution 1222-2014 on June 24, 2014 to establish new wastewater fees based on volume, to be effective August 1, 2014, and

WHEREAS, Rio Dell Municipal Code Section 13.10.130 contains wastewater fees for new connections that are included in Resolution 1222-2014, thus making the Section obsolete, and

WHEREAS, the Rio Dell Municipal Code needs to be amended to establish that the City Council may adopt sewer fees and charges by Resolution from time to time as they deem appropriate.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Rio Dell does hereby ordain as follows:

Section 1. Amendments

Chapter 13.10

SEWER RATES AND REGULATIONS

Sections:

Article I. In General

[13.10.010](#) Definitions.

[13.10.020](#) Department rules and regulations – Modifying rates.

[13.10.030](#) Settlement of disputes between consumer and City.

[13.10.040](#) Repealed.

[13.10.050](#) Connections prohibited.

[13.10.060](#) Distance of sewer or gas service from water service.

[13.10.070](#) Repairs to sewer lines by the City.

[13.10.080](#) Shutting off water.

- [13.10.090](#) Right of entry of City employees for the purpose of making inspections.
- [13.10.100](#) Turning water off or on in an emergency – Rendering sewer service inoperable.
- [13.10.110](#) Unlawful use, injury, etc., of equipment.
- [13.10.120](#) Application for service – Form.
- [13.10.130](#) Fees for new sewer service connections.
- [13.10.140](#) Charges for installing sewer services.

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- [13.10.160](#) Reconnection fees.
- [13.10.170](#) Prerequisites to multiple service connections.
- [13.10.180](#) Use of sewer by contractors and other persons engaged in construction work.
- [13.10.190](#) Supplying to other than occupant of premises.
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13.10.380 Abatement procedures.

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13.10.400 Repealed.

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Article I. In General

13.10.010 Definitions.

“Act” or “the Act” means the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 USC 1251 et seq.

“Applicant” means an owner of property who applies for sanitary sewer service to such property (hereinafter referred to as “sewer”).

Authorized Representative of the Industrial User.

(1) If the industrial user is a corporation, “authorized representative” shall mean:

(a) The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions for the corporation.

(b) The manager of one or more manufacturing, production, or operation facilities provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permit or general permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

(2) If the industrial user is a partnership, or sole proprietorship, an authorized representative shall mean a general partner or proprietor, respectively.

(3) If the industrial user is a Federal, State or local governmental facility, an authorized representative shall mean a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility.

(4) The individuals described in subsections (1) through (3) of this definition may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the City.

“Best management practices (BMPs)” means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in RDMC 13.10.410 through 13.10.421. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

“Biochemical oxygen demand (BOD)” means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five-day 20 degree centigrade expressed in terms of mass and concentration milligrams per liter (mg/l).

“Building” means any structure inhabited or used by human beings.

“Building sewer or lateral” means a sewer conveying wastewater from the premises of a user to the POTW.

“Categorical pretreatment standard” or “categorical standard” means any regulation containing pollutant discharge limits promulgated by the U.S. EPA in accordance with Sections 307(b) and (c) of the Act (33 USC 1317) which apply to a specific category of industrial users and which appear in 40 CFR, Chapter I, Subchapter N, Parts 405 – 471.

“City” means the City of Rio Dell, California, or the City Council of Rio Dell.

“City manager” or “manager” means the person designated by the City to manage the operation of the POTW, and who is charged with certain duties and responsibilities by this chapter or his duly authorized representative.

“City of Rio Dell sanitary sewer system” means the sanitary sewer system owned by the City of Rio Dell.

“Color” means the optical density at the visual wave length of maximum absorption, relative to distilled water. One hundred percent transmittance is equivalent to zero optical density.

“Composite sample” means the sample resulting from the combination of individual wastewater samples taken at selected intervals based on an increment of either flow or time.

“Consumer” means any person to whom the City supplies sewer service under a contract, either expressed or implied, to make payment therefor.

“Cost” means labor, material, transportation, expense, supervision, engineering and other necessary overhead expense.

“Council” means City Council or the City Manager acting under authority of the City Council.

“Department” means the Sewer Department of the City.

“Domestic wastewater” means wastewater derived principally from dwellings, business buildings, institutions and the like.

“Environmental Protection Agency (EPA)” means the U.S. Environmental Protection Agency or, where appropriate, the term may also be used as a designation for the regional water quality control board or other duly authorized official of said agency.

“Existing source” means any source of discharge, the construction or operation of which commenced prior to the publication of proposed categorical pretreatment standards which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Act.

“Extension” means sewer main extension, or system of collection lateral.

“Grab sample” means a sample which is taken from a waste stream on a one-time basis without regard to the flow in the waste stream and without consideration of time.

“Grease hauler” means a person, firm or business that collects the contents of a grease interceptor and transports it.

“Grease interceptor” means a plumbing appurtenance or appliance that intercepts fats, oil and grease from a wastewater discharge.

“Indirect discharge” or “discharge” means the introduction of pollutants into the POTW from any nondomestic source.

“Industrial user” or “user” means any person who discharges or causes or permits the discharge of nondomestic wastewater into the POTW.

“Instantaneous maximum allowable discharge limit” means the maximum concentration (or loading) of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.

“Interference” means a discharge which alone or in conjunction with a discharge or discharges from other sources: inhibits or disrupts the POTW, its treatment processes, or operations or its sludge processes, use, or disposal; and therefore is a cause of a violation of the City’s NPDES permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder (or more stringent State or local regulations): Section 405 of the Clean Water Act; the Solid Waste Disposal Act (SWDA), including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the SWDA; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research and Sanctuaries Act.

“Legal or equitable owner” means any owner of record, mortgagee, trustee or contract purchaser of real property.

“Main” means a sewer main in the sewer collection system of the City without regard to sizing.

“Medical waste” means isolation wastes, infectious agents, human blood and blood byproducts, pathological wastes, sharps, body parts, fomites, etiologic agents, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes and dialysis wastes.

New Source.

(1) Any building, structure, facility, or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under Section 307(c) of the Act that will be applicable to such source if such standards are thereafter promulgated in accordance with that section; provided, that:

(a) The building, structure, facility, or installation is constructed at a site at which no other source is located; or

(b) The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or

(c) The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.

(2) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of subsection (1)(b) or (c) of this definition but otherwise alters, replaces, or adds to existing process or production equipment.

(3) Construction of a new source as defined in this section has commenced if the owner or operator has:

(a) Begun, or caused to begin, as part of a continuous on-site construction program (i) any placement, assembly, or installation of facilities or equipment; or (ii) significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or

(b) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for

feasibility, engineering, and design studies do not constitute a contractual obligation under this subsection (3)(b).

“Noncontact cooling water” means water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

“Nuisance” means anything which is injurious to health or is indecent or offensive to the senses or an obstruction to the free use of property so as to interfere with the comfort or enjoyment of life or property or which affects at the same time an entire community or neighborhood or any considerable number of persons although the extent of the annoyance or damage inflicted upon individuals may be unequal.

“Pass through” means a discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the City’s NPDES permit (including an increase in the magnitude or duration of a violation).

“Permit” means any written authorization required pursuant to this chapter or any other regulation of the City for the installation of the sewage system.

“Person” means any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity, or their legal representatives, agents or assigns. This definition includes all Federal, State, or local governmental entities.

“pH” means a measure of the acidity or alkalinity of a substance, expressed in standard units.

“Pollutant” means any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, industrial wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, agricultural and industrial wastes, and the characteristics of the wastewater (i.e., pH, temperature, total suspended solids (TSS), turbidity, color, BOD, chemical oxygen demand (COD), toxicity, odor).

“Premises” means a parcel of real estate, including any improvements thereon, which is determined by the City to be a single user for the purpose of receiving, using and paying for services.

“Pretreatment” means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical or biological processes, by process changes, or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.

“Pretreatment requirements” means any substantive or procedural requirement related to pretreatment imposed on an industrial user, other than a pretreatment standard.

“Pretreatment standards” or “standards” means prohibitive discharge standards, categorical pretreatment standards, and local limits.

“Prohibited discharge standards” or “prohibited discharges” means absolute prohibitions against the discharge of certain substances; these prohibitions appear in RDMC [13.10.410](#) and [13.10.420](#).

“Public sewer” means a sewer lying within a street or easement and which is controlled by or under the jurisdiction of the City.

“Publicly owned treatment works” or “POTW” means any devices or storage, treatment, recycling or reclamation of sewage or industrial wastes and any conveyances which convey wastewater to a treatment plant. Also, the City’s jurisdiction over the industrial users and responsibility for the operation and maintenance of the treatment works. Building sewers connecting building drains to the POTW are not public sewers although they may be partially located in a public right-of-way or easement.

“Septic tank wastes” means any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

“Service connection or laterals” means the laying of pipes from the main to the property line inclusively.

“Sewage” means human excrement and gray water (household showers, dishwashing operations, and the like). A combination of water-carried wastes from residences, business buildings, institutions, and industrial establishments.

“Sewage facility” means all facilities for collecting, pumping, treating, and disposing of sewage.

“Significant industrial user” applies to industrial users subject to categorical pretreatment standards; any other industrial user that discharges an average of 25,000 gallons per day (gpd) or more of process wastewater, contributes a process waste stream which makes up five percent or more of the average dry weather hydraulic or organic capacity of the treatment plant, or is designated as significant by the City on the basis that the industrial user has a reasonable potential for adversely affecting the POTW’s operation or for violating any pretreatment standard or requirement.

“Slug load” means any discharge at a flow rate or concentration which could cause a violation of the prohibited discharge standards in RDMC [13.10.410](#) and [13.10.420](#) or any discharge of a nonroutine, episodic nature, including but not limited to an accidental spill or a noncustomary batch discharge.

“Standard Industrial Classification (SIC) code” means a classification pursuant to the “Standard Industrial Classification Manual” issued by the U.S. Office of Management and Budget.

“Stormwater” means any flow occurring during or following any form of natural precipitation including snowmelt.

“Suspended solids” means the total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and which is removable by laboratory filtering.

“Toxic pollutant” means one of 126 pollutants, or combination by the EPA under the provision of Section 307 (33 USC 1317) of the Act.

“Treatment plant effluent” means any discharge of treated wastewater from the POTW into waters of the State.

“Wastewater” means liquid and water-carried industrial wastes, and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW. Uncontaminated or contaminated waters discarded or discharged by users and no longer usable for industrial or domestic purposes, including but not limited to water or a combination of water and other substances described in RDMC 13.10.410 and 13.10.420.

“Wastewater treatment plant” or “treatment plant” means the portion of the POTW designed to provide treatment of sewage and industrial waste. [Ord. 286, 2012; Ord. 203, 1990; Ord. 190 §§ 1, 58, 1987. Formerly 13.10.520.]

13.10.020 Department rules and regulations – Modifying rates.

The Council reserves the right and power from time to time to adopt rules and regulations for the operation and maintenance of the Sewer Department of the City, and for furnishing sewer service, and may likewise establish and modify the rates, charges and penalties established and imposed by this chapter, and may from time to time prescribe rules for the extension of sewer collection within and beyond the boundaries of the City. [Ord. 286, 2012; Ord. 190 § 2, 1987.]

13.10.030 Settlement of disputes between consumer and City.

If a dispute shall arise between any sewer customer and the City concerning sewer service or the amount of sewer billed to such consumer, the dispute may be settled subject to the approval of the Council by the City Manager or designee. The final decision and settlement of any such dispute shall be recorded in the minutes of the Council. The provisions and procedures provided for in this section are permissive only and shall in no way affect the other provisions of this chapter. [Ord. 286, 2012; Ord. 190 § 3, 1987.]

13.10.040 Pretreatment and screening.

Repealed by Ord. 286. [Ord. 190 § 4, 1987.]

13.10.050 Connections prohibited.

No person owning, occupying or having under his control any premises shall connect their vault, cesspool, privy, sewer or private drain with any waterway, watercourse or ditch in the City. [Ord. 286, 2012; Ord. 190 § 5, 1987.]

13.10.060 Distance of sewer or gas service from water service.

No ditch, water pipe, gas pipe or any other service shall be installed or maintained nearer than two feet in any direction to any sewer service pipe or main. [Ord. 286, 2012; Ord. 190 § 6, 1987.]

13.10.070 Repairs to sewer lines by the City.

The City shall, at its own expense, make all repairs necessary to sewer pipe lines connecting with mains. The City shall make no repair or do any work whatsoever on the sewer pipe line beyond the connection to private property. [Ord. 286, 2012; Ord. 190 § 7, 1987.]

13.10.080 Shutting off water.

The City reserves the right to shut off the water supply to any premises at any time, for the purpose of making sewer line repairs, extensions or other necessary purposes or for any infraction of this chapter or any overdue payment or delinquency of payment of any City utility service billing. [Ord. 286, 2012; Ord. 190 § 8, 1987.]

13.10.090 Right of entry of City employees for the purpose of making inspections.

Any authorized employee of the City shall have reasonable access to any premises with sewer service for the purpose of making inspections of the sewer system upon such premises. Any person who, as owner or occupant of any premises, refuses admittance to or hinders or prevents inspection by an authorized employee of the City, after service of notice of intention, shall have all water shut off to the said premises. [Ord. 286, 2012; Ord. 190 § 9, 1987.]

13.10.100 Turning water off or on in an emergency – Rendering sewer service inoperable.

The City shall have the right in an emergency to turn the water off or on without notice, but it shall be the duty of the Water Department to make a reasonable effort to notify all consumers that the water is to be turned off or on. [Ord. 286, 2012; Ord. 190 § 10, 1987.]

13.10.110 Unlawful use, injury, etc., of equipment.

It shall be unlawful for any person to open any manhole or to interfere in any manner with any street sewer service connection or any service pipe connected with mains or to tap any sewer service pipe, without paying the established costs therefor after having made written application therefor as provided by this chapter, or in any way to trespass upon the public property of the

Sewer Department without written permission first being obtained from the City Manager or designee. [Ord. 286, 2012; Ord. 190 § 11, 1987.]

13.10.120 Application for service – Form.

Before any sewer service will be supplied by the City to any person which requires a connection or reconnection to the City-owned mains of any real property, the owner of the property shall make a written application from such service and service connection upon a form provided by the City. Such form shall be substantially as shown in Exhibit A attached to the ordinance codified in this chapter and by reference incorporated herein. [Ord. 286, 2012; Ord. 190 § 12, 1987.]

13.10.130 Fees for new sewer service connections.

~~(1) There shall be a new service connection fee of \$950.00 required for each individual dwelling, residence, building, or separate service to any multiple use consumer on any parcel or parcels under the same ownership. This fee is levied in addition to any actual costs by the City to provide the new service and shall be received into the sewer fund for purposes of operational expenditures.~~

~~(2) New service connection fees for multi-use motels or hotels that provide nonhousekeeping sleeping rooms with no more than one bathroom facility per unit and no kitchen or other wastewater plumbing shall be required to pay a per unit fee of \$190.00, which is levied in addition to any and all actual costs by the City in physically providing the new services. Further, the quantity of these unit connections to one or more private property side sewers and the number of City-owned laterals connecting to the collection main shall be at the determination of the City Manager or designee, whose decision is final. [Ord. 286, 2012; Ord. 194 § 1, 1988; Ord. 190 §§ 13, 13.A, 1987.]~~

From time to time, the city council shall adopt sewer service charges and fees.

Upon application for a building permit and prior to the actual construction of any sewer facilities by the applicant, a sum of money equal to the amount of the applicable connection fees shall be paid to the City in addition to any and all actual costs by the City to provide new service. [Ord. 286, 2012; Ord. 194 § 1, 1988; Ord. 190 §§ 13, 13.A, 1987.]

13.10.140 Charges for installing sewer services.

There shall be a charge set apart from any other charge or fee for actual costs to the City for the installation of any sewer mains or system laterals to any private property or other consumer; provided further, that such a charge shall be a minimum of \$200.00 or actual costs, whichever is higher. Sizes, locations and connection methods shall be at the sole discretion of the City Manager or designee. [Ord. 286, 2012; Ord. 190 § 14, 1987.]

Article II. Connections – Installation of Service

13.10.150 Installations and connections outside City limits.

Notwithstanding any other sections, the connection fees and installation charges for outside the City limits shall be 150 percent of those same fees and charges for inside the City limits. [Ord. 286, 2012; Ord. 190 § 15, 1987.]

13.10.160 Reconnection fees.

There shall be herewith established a reconnection fee for use when abandoned services are requested to be reactivated, or when a service has been disconnected because of failure to pay City utility bills, and are delinquent or for other reasons such as vandalism of City-owned property, system piping, etc. (refer to RDMC 13.10.250). The reconnection fee shall be \$200.00 plus the actual costs involved in the reconnection as will be billed by the City Manager or designee (refer to definition of “cost” in RDMC 13.10.010 and provisions of RDMC 13.10.250). [Ord. 286, 2012; Ord. 190 § 16, 1987.]

13.10.170 Prerequisites to multiple service connections.

No sewer shall be served to two or more parcels of property separately owned through a common service pipe. When more than one occupancy is placed on the same parcel of property and each is conducting a separately established residence or business, a separate sewer line shall be required and installed for each occupancy.

Where there is a pre-existing multiple use sewer service, the City shall establish additional accounts and charges for each additional commercial, professional, dwelling, or living unit situated upon the premises not served by an individual sewer. [Ord. 286, 2012; Ord. 190 § 17, 1987.]

13.10.180 Use of sewer by contractors and other persons engaged in construction work.

Contractors or any person desiring to use the sewer system in construction work where disposal must be made other than through a permanent sewer in each and every case must make written application for and obtain a written permit for the same from the Sewer Department before connecting with any main, and shall make the deposit required by the Sewer Department. Such permit shall be exhibited upon the work for which it has been issued during the full time the sewer is being used pursuant to such permit. [Ord. 286, 2012; Ord. 190 § 18, 1987.]

13.10.190 Supplying to other than occupant of premises.

It shall be unlawful for any person to provide sewer service to any other person other than the occupants of the premises of such consumer as provided through an approved collection system. [Ord. 286, 2012; Ord. 190 § 19, 1987.]

13.10.200 Consumers to accept service conditions.

All applicants for service connections or sewer service shall be required to accept such conditions of service as are provided by the system at the location of the proposed service connection and to hold the Department harmless from all damages arising from conditions or interruptions of service not expressly caused by the sewer system. [Ord. 286, 2012; Ord. 190 § 20, 1987.]

13.10.210 Sewer system required.

It shall be unlawful to maintain or use any residence, place of business or other building or place where persons reside, congregate, or are employed which is not provided with means for the disposal of sewage, either by flush toilet connected with a sewage system approved by the City of Rio Dell City Manager or designee or, when it is judged permissible by the County Health Officer, a septic tank which meets the requirements of construction and maintenance as required by the said County Health Department.

It shall be unlawful for any person to construct or maintain any privy, cesspool, septic tank, sewage treatment works, sewer pipes or conduits, or other pipes or conduits for the treatment or discharge of sewage or impure waters or any matter or substance offensive, injurious or dangerous to health whereby they shall do any of the following:

(1) Overflow any lands whatever;

(2) Empty, flow, seep, drain into or affect any springs, streams, rivers, lakes or other waters within the City of Rio Dell; provided, however, with respect to existing septic tanks, sewage treatment works, sewer pipes or conduits or other pipes or conduits for the treatment or discharge of sewage or impure waters, if it would be impossible to comply with the provisions of this section, the County Health Officer shall have the power by special permit to allow such variations from the provisions contained in this section as will prevent unnecessary hardship or injustice and at the same time most nearly accomplish the general purpose and intent hereof.

It shall be unlawful for any person, firm or corporation to construct, build, or rebuild any place of residence or other building or place where persons congregate, reside or are employed which is not to be connected to an approved public sanitary sewer without first submitting plans of the means of sewage disposal to the City Manager or designee and obtaining a permit therefor as herein provided. Such plans shall include the plot plan of the premises with sufficient elevations, the size and type of septic tank, and a plan of the absorption field, giving all dimensions and other pertinent information. No sewage disposal installation shall be made without inspection. A copy of each inspection report shall be filed with the Health Officer. [Ord. 286, 2012; Ord. 190 § 21, 1987.]

13.10.220 Building sewers, laterals and connections.

- (1) Permit Required. No person shall construct a building sewer, lateral sewer or make a connection with any public sewer without first obtaining a written permit from the City and paying all fees and connection charges as required.
- (2) Design and Construction Requirements. Design and construction of building sewers and lateral sewers shall be in accordance with the requirements of the City and to the approval of the City Manager or designee.
- (3) Separate Sewers. No two adjacent buildings fronting on the same street shall be permitted to join the use of the same side sewer. Every building or industrial facility must be separately connected with a public sewer if such public sewer exists in the street upon which the property abuts or in an easement which will serve said property. However, two or more buildings located on property belonging to the same owner may be served with the same side sewer provided the property cannot be subdivided into smaller legal-sized lots.
- (4) Old Building Sewers. Old building sewers may be used in connection with new buildings only when they are found, upon examination and test by the City Manager or designee, to meet all requirements of the City.
- (5) Cleanouts. Cleanouts in building sewers shall be provided in accordance with the rules, regulations and ordinances of the City. All cleanouts shall be maintained watertight.
- (6) Down Spouts/Roof Drains. Down spouts or roof drains shall not discharge rain water or storm runoff into the building lateral or any sewer connection.
- (7) Sewer Too Low. In all buildings hereafter constructed in which any building sewer is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building sewer shall be lifted by artificial means, approved by the City Manager or designee, and discharged to the public sewer at the expense of the owner.
- (8) Connection to Public Sewer. The connection of the building sewer into the sewer system shall be made at the applicant's expense. The applicant shall extend the building sewer to the property line, at which point it shall be the responsibility of the City to connect the building sewer to the City system lateral. Any damage to the lateral sewer shall be repaired at the cost of the applicant to the satisfaction of the City Manager or designee.
- (9) Maintenance of Building Sewer. Building sewers shall be free of infiltration and be maintained by the owner of the property served thereby.
- (10) Public Sewer Construction – Permit Required. No person shall construct, extend or connect to any public sewer without first obtaining a written permit from the City and paying all fees and connection charges and furnishing bonds as required. The provision of this section requiring permits shall not be construed to apply to contractors' construction sewers and appurtenances under contracts awarded and entered into by the City.

(11) Plans, Profiles and Specifications Required. The application for a permit for public sewer construction shall be accompanied by three complete sets of plans, profiles and specifications, complying with all applicable ordinances, rules and regulations of the City prepared by a registered civil engineer showing all details of the proposed work based on an accurate survey of the ground. The application, together with the plans, profiles and specifications, shall be examined by the City Manager or designee, who shall within 20 days approve them as filed or require them to be modified as he deems necessary for proper installation. When the City Manager or designee is satisfied that the proposed work is proper and the plans, profiles, and specifications are sufficient and correct, he shall order the issuance of a permit predicated upon the payment of all connection charges, fees and furnishing bonds as required by the City. The permit shall prescribe such terms and conditions as the City Manager or designee finds necessary in the public interest.

(12) Subdivisions. The requirements of this section shall be fully complied with before any final subdivision map shall be approved by the City Council. The final subdivision map shall provide for the dedication for public use of streets, easements or rights-of-way in which public sewer lines are to be constructed. If a final subdivision map of a tract is recorded and the work of constructing sewers to serve the tract is not completed within the time limit allowed in the permit, the City Council may extend the time limit or may complete the work and take appropriate steps to enforce the provisions of the bond furnished by the subdivider.

(13) Easements or Right-of-Way. In the event that an easement is required for the extension of the public sewer or the making of connections, the applicant shall procure and have accepted by the City a proper easement or grant of right-of-way having a minimum width of 10 feet sufficient in law to allow the laying and maintenance of such extension or connection.

(14) Persons Authorized to Perform Work. Only properly licensed contractors and City forces shall be authorized to perform the work of public sewer construction within the City. All terms and conditions of the permit issued by the City to the applicant shall be binding on the contractor.

(15) Compliance with Local Regulations. Any person constructing a sewer within a street shall comply with all State, County or City laws, ordinances, rules and regulations pertaining to the cutting or pavement opening, barricading, lighting, and protecting of trenches, backfilling and repaving thereof and shall obtain all permits and pay all fees required by the department having jurisdiction prior to the issuance of a permit of the City.

(16) Design and Construction Standards. Design and construction of sewers within the City must be approved by the City Manager or designee. Three complete sets of as-built drawings showing the actual location of all mains, structures, wyes, and laterals shall be filed with the City before final acceptance of the work.

(17) Completion of Sewer Required. Before any acceptance of any sewer line by the City and prior to the admission of any sewage into the system, the sewer line shall be tested and shall be complete to the satisfaction of the City Manager or designee. [Ord. 286, 2012; Ord. 190 § 22, 1987.]

Article III. Rates, Charges and Billing

13.10.230 Rates, charges and billings.

(1) Rates, charges and billings are established by resolution. All sewer billing shall be monthly to coincide with water billing, scheduled for posting and delivery on the first day of each month following water meter readings. Utility bills are due and payable from the first day of each month at the Rio Dell City Hall.

Utility bills not having been paid before the next following billing shall be considered to be delinquent and no further notice will be provided other than on the said next following billing reflecting that two months of service are outstanding.

Should water payment in full not be received within 10 calendar days from the said second billing, then shut-off notices shall be issued and the water service discontinued until payment of all outstanding billings is made in full (refer to RDMC 13.10.250); provided further, that no such shut-off will occur on a Friday unless specifically directed by the City Manager or designee.

(2) Sewer service billing shall be assessed against the person or persons who reside in or otherwise occupy the premises being served and identified as the person or persons having completed an application for sanitary sewer service as a nonowner resident of the premises, and after having deposited \$200.00 as surety against any sewer service charges sustained during the said nonowner occupancy or control of the said premises, whereupon the depositor shall receive a numbered receipt which shall be required to be presented at demand of all or any part of a refund of any balance of deposit remaining after any and all current sanitary sewer service charges are satisfied.

However, and notwithstanding the above, owners of real property rented, leased, occupied or in any manner controlled by nonowners shall be liable for any unpaid sewer service not paid by the said nonowners, with such unpaid amounts due and payable prior to any continued use of any said premises, and the water to such premises shall therefor also be discontinued in order to cause the sewer service to become inoperable pending settlement of outstanding utility bills. A list of delinquent accounts will be forwarded to the Humboldt County Auditor to be added to other taxes imposed on the delinquent parcel and collected in the same manner and to the same extent as such other taxes.

(3) In any case where customers are served by the Rio Dell sewer system, either inside or outside of the City limits, the customer shall pay rates as established by resolution. Customers outside City limits shall pay 150 percent of the total current rate established by resolution.

(a) Inside City limits, the same as subsection (1) of this section.

(b) Outside City limits, 150 percent of the total minimum rate in effect in subsection (1) of this section.

(4) All sewer billing is due and payable at the Rio Dell City Hall and payments not made before the next following billing shall be deemed to be delinquent and 10 calendar days thereafter, without benefit of further notice, delinquent services will be discontinued (refer to subsection (2) of this section).

(5) Any consumer required to pay for sewer services in accordance with this section who commences service on or after the sixteenth of any month shall pay a rate for that month of only 50 percent of the required rate for the full month.

Any consumer required to pay for sewer service in accordance with this section who discontinues service on or before the fifteenth day of any month shall pay a rate for that month of only 50 percent of the required rate for the full month. [Ord. 286, 2012; Ord. 248 § 1, 2003; Ord. 231 § 1, 1995; Ord. 210 §§ 1, 2, 1991; Ord. 207, 1991; Ord. 190 § 23, 1987.]

13.10.240 Discontinuance of service for nonpayment.

In the event that any customer shall be delinquent in the payment of his sewer bill, the Department shall have the right forthwith and without further notice to discontinue water service to the premises of such delinquent customer and water shall not again be supplied to him or to the premises until all delinquent City utility bills and charges for reconnection have been paid. [Ord. 286, 2012; Ord. 190 § 24, 1987.]

13.10.250 Procedure for restoring service after delinquency.

If water service is cut off or discontinued for failure to pay delinquent City utility bills, such service may again be established only in the event the customer or the owner of the premises served pays all delinquent bills and charges as may be required by this chapter.

When an owner or customer has been delinquent in his sewer bills twice in succession or three times in any one 12-month period, he shall be required to pay a late payment fee of \$10.00. Said late payment fee shall be increased by \$10.00 for each succeeding late payment, up to a maximum fee of \$200.00. Thereupon and not otherwise will water service again be made or established to the premises where the bill has been delinquent (thus allowing sewer service). [Ord. 286, 2012; Ord. 190 § 25, 1987.]

13.10.251 Pretreatment charges and fees.

The Council may adopt reasonable charges and fees for reimbursement of costs of setting up and operating the City's pretreatment program which may include:

(1) Fees for wastewater discharge permit applications including the cost of processing such applications.

(2) Fees for monitoring, inspection, and surveillance procedures including the cost of collection and analyzing an industrial user's discharge, and reviewing monitoring reports submitted by the users.

(3) Fees for reviewing and responding to accidental discharge procedures and construction.

(4) Fees for filing appeals.

(5) Other fees as the City may deem necessary to carry out the requirements contained in this section. These fees relate solely to the matters covered by this chapter and are separate from all other fees, fines, and penalties chargeable by the City. [Ord. 286, 2012.]

Article IV. Services

13.10.260 To remain City property – Repairs by City.

All sewer pipes in public property are the property of the City and the City will maintain and repair them when in its judgment such repairs are needed. [Ord. 286, 2012; Ord. 190 § 26, 1987.]

13.10.270 One service to lot or parcel of land – Exception.

There shall be at least one sewer service on each lot or parcel of real property which is improved with a dwelling or building thereon; except where one building occupies more than one lot, then only one service for such building shall be required. [Ord. 286, 2012; Ord. 190 § 27, 1987.]

13.10.280 Connection service pipe to system – Premises to be left as originally found upon completion of tests – Notice to City – Liability of plumber and customer.

Any plumber or any other person connecting private sewer service pipe to the property side of a City sewer must leave the City system in as good condition as found, and shall notify the City at the time the connection is made. Any damage caused by the negligence or carelessness of any plumber or other person to any part of the connection must be paid by such plumber or person to the City on demand. [Ord. 286, 2012; Ord. 190 § 28, 1987.]

13.10.290 Bill to be rendered after connection.

The Sewer Department of the City may connect to any City sewer service pipe at any time it shall deem it expedient to do so, and render a corrected bill from the date of installation of such connection. [Ord. 286, 2012; Ord. 190 § 29, 1987.]

13.10.300 Liability of customer for damages to system.

After the sewer service is so connected, any damage resulting from malice, carelessness or negligence of the customer or any member of his family, or anyone employed by him, and any damage which may result from hot water or steam from a boiler, or otherwise, shall be paid for by such customer to the City on presentation of a bill therefor; and in case such bill is not paid, the water shall be shut off to the premises without further notice, and the same shall not be turned on until all charges are paid. [Ord. 286, 2012; Ord. 190 § 30, 1987.]

13.10.310 Cutting off or interfering with sewer service.

It shall be unlawful for any person to interfere with or cut off or remove a sewer service from where it has been installed without first receiving written permission from the City Manager or designee. Such permission shall be granted only for the purpose of tests, replacements, repairs or service pipes, readjustment of service or similar emergency. [Ord. 286, 2012; Ord. 190 § 31, 1987.]

13.10.320 Application for stopping sewer service bill to be rendered.

Upon the written notice of the owner of a building or premises to have the sewer service stopped, the City shall have the water shut off, and at the time record the reading of the meter and render a bill in a sum which shall be the amount according to the rates and charges provided for herein. [Ord. 286, 2012; Ord. 190 § 32, 1987.]

13.10.330 Nuisance abatement.

Any nuisance, contamination, pollution, or infiltration as defined herein existing on any parcel of land in the City of Rio Dell may be abated as provided herein. The procedure for said abatement provided herein shall not be exclusive, but shall be cumulative and in addition to any other abatement procedure provided by the laws of the State of California or the ordinances of the City of Rio Dell. [Ord. 286, 2012; Ord. 190 § 33, 1987.]

13.10.340 Sewage not to be discharged so as to result in contamination, pollution or nuisance.

No person shall discharge sewage or other waste, or the effluent of treated sewage or other waste, in any manner which will result in contamination, pollution or a nuisance. [Ord. 286, 2012; Ord. 190 § 34, 1987.]

13.10.350 Abatement of contamination.

Whenever any local Health Officer or enforcement official finds that a contamination exists, the officer or official shall order the contamination abated, as provided in this chapter. [Ord. 286, 2012; Ord. 190 § 35, 1987.]

13.10.360 Issuance of peremptory abatement order – Report to regional board – Prosecution of injunction proceedings.

The local Health Officer or enforcement official may issue a peremptory order requiring the abatement of a contamination and shall immediately furnish to the proper regional board a report of information and data relating thereto. Coincident with issuing such order, or if any order or regulation is not complied with, the local Health Officer or enforcement official may bring and prosecute an action for an injunction in the superior court of the County of Humboldt.

The local Health Officer of Humboldt County shall render to persons subject to such order all possible assistance in complying with the order including all possible assistance in securing any necessary funds for such purpose. [Ord. 286, 2012; Ord. 190 § 36, 1987.]

13.10.370 Discharge of sewage or other waste resulting in contamination a misdemeanor.

Any person who discharges sewage or other waste in any manner which results in contamination is guilty of a misdemeanor. Any person, firm or corporation who violates or refuses or fails to comply with any of the provisions of this chapter shall be guilty of a misdemeanor and shall be punished upon conviction of a fine of not less than \$25.00 nor more than \$500.00 or by imprisonment in the County Jail for not more than six months or by both such fine and imprisonment. [Ord. 286, 2012; Ord. 190 § 37, 1987.]

13.10.380 Abatement procedures.

The procedure for abatement of a contamination, pollution, nuisance, or infiltration including but not limited to notice of such abatement, recordation of lis pendens, time and place of hearing, order of the Council, accounting of costs and receipts, hearing on account and proposed assessment, recordation of lien, and collection with ordinary taxes, shall follow essentially the same procedure as provided for in Chapter 8.10 RDMC, providing for the establishment of a procedure for the abatement of nuisances and making the cost of such abatement a special assessment upon a parcel of land so involved. [Ord. 286, 2012; Ord. 190 § 40, 1987.]

13.10.390 Liability.

This chapter shall not be construed as imposing upon the City of Rio Dell any liability or responsibility for damage resulting from the defective construction of any sanitary disposal system as herein provided, nor shall the City of Rio Dell or any official or employee thereof or the Humboldt County Health Officer be held as assuming any such liability or responsibility by reason of the inspection authorized thereunder. [Ord. 286, 2012; Ord. 190 § 42, 1987.]

13.10.400 Prohibited discharges of uncontaminated waters.

Repealed by Ord. 286. [Ord. 203, 1990; Ord. 190 § 46, 1987; Ord. 38 § 1, 1965.]

Article V. General Sewer Use Regulations

13.10.410 Discharges – Criteria.

It shall be unlawful for any person to discharge or cause to be discharged into any public sewer system which directly or indirectly connects to the City of Rio Dell sanitary sewer system any sewage if, in the determination of the City Manager or designee, such sewage may have an adverse or harmful effect on sewers, maintenance personnel, wastewater treatment plant personnel or equipment, treatment effluent quality, public or private property, or may otherwise endanger the public, local environment, or create a public nuisance. The City Manager or

designee, in determining the acceptability of specific sewage, shall consider the nature of the sewage and the adequacy and nature of the collection, treatment and disposal system available to accept the sewage. [Ord. 286, 2012; Ord. 203, 1990; Ord. 190 § 48, 1987. Formerly 13.10.420]

13.10.420 Prohibitions.

(1) No user shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes pass through or interference. These general prohibitions apply to all users of the POTW whether or not they are subject to categorical pretreatment standards or any other National, State, or local pretreatment standards or requirements.

(2) No person shall discharge any substances directly into a manhole or other opening in a community sewer other than through an approved building sewer unless, upon a written application by the user and the payment of the applicable user charges and fees, the City issues a permit for such direct discharges.

(3) It shall be unlawful for any person to discharge or cause to be discharged any surface water, rain water, stormwater, ground water, street drainage, subsurface drainage, yard drainage, roof drainage, water from yard fountains, ponds or lawn sprays, cooling water, or any other uncontaminated water into any sewage facility which directly or indirectly discharges to a sanitary sewer system owned by the City of Rio Dell.

(4) Specific Prohibitions. No user shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:

(a) Pollutants which create a fire or explosive hazard in the municipal wastewater collection and POTW, including, but not limited to, waste-streams with a closed-cup flashpoint of less than 140 degrees Fahrenheit (60 degrees Celsius) using the test methods specified in 40 CFR 261.21.

(b) Any wastewater having a pH less than 5.5 or more than 8.5, or otherwise causing corrosive structural damage to the POTW or equipment, or endangering City personnel.

(c) Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in interference, but in no case solids greater than one inch or 25.4 millimeters in any dimension.

(d) Any wastewater containing pollutants, including oxygen demanding pollutants (BOD, and the like), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with either the POTW, or any wastewater treatment or sludge process; or which will constitute a hazard to humans or animals.

(e) Any wastewater having a temperature greater than 150 degrees Fahrenheit (65.5 degrees Celsius), or which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104 degrees Fahrenheit (40 degrees Celsius).

- (f) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through.
- (g) Any pollutants which result in the presence of toxic gases, vapors or fumes within the POTW in a quantity that may cause worker health and safety problems.
- (h) Any trucked or hauled pollutants, except at discharge points designated by the City in accordance with RDMC 13.10.430.
- (i) Any noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance, a hazard to life, or to prevent entry into the sewers for maintenance and repair.
- (j) Any wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent thereby violating the City's NPDES permit. Color (in combination with turbidity) shall not cause the treatment plant effluent to reduce the depth of the compensation point for photosynthetic activity by more than 10 percent from the seasonably established norm for aquatic life.
- (k) Any wastewater containing any radioactive wastes or isotopes, except as specifically approved in writing by the City Manager or designee, in compliance with applicable State or Federal regulations.
- (l) Stormwater, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water, and unpolluted industrial wastewater, unless specifically authorized in writing by the City Manager or designee.
- (m) Any sludges, screenings, or other residues from the pretreatment of industrial wastes.
- (n) Any medical wastes, except as specifically authorized in writing by the City Manager or designee in a wastewater discharge permit.
- (o) Any wastewater causing the treatment plant's effluent to fail a toxicity test.
- (p) Any wastes containing detergents, surface active agents, or other substances which may cause excessive foaming in the POTW.
- (q) Any discharge of fats, oils, or greases of animal or vegetable origin is limited to 100 mg/l.
- (r) Any discharge of petroleum/mineral oil products is limited to 25 mg/l.
- (s) Gasoline, benzene, naphtha, solvent, fuel oil or any liquid, solid or gas that would cause or tend to cause flammable or explosive conditions to result in the sewerage system.

(t) Waste containing toxic or poisonous solids, liquids or gases in such quantities that, alone or in combination with other waste substances, may create a hazard for humans, animals or the local environment, interfere detrimentally with wastewater treatment processes, cause a public nuisance, or cause any hazardous condition to occur in the sewerage system.

(5) Wastes prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the POTW. All floor drains located in process or materials storage areas must discharge to the industrial user's pretreatment facility before connecting with the POTW. [Ord. 286, 2012; Ord. 203, 1990; Ord. 190 § 47, 1987. Formerly 13.10.410]

13.10.421 Dilution.

No industrial user or wastewater hauler shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation, unless expressly authorized by an applicable pretreatment standard or requirement. The City Manager or designee may impose mass limitations on industrial users which are using dilution to meet applicable pretreatment standards or requirements, or in other cases when the imposition of mass limitations is appropriate. [Ord. 286, 2012.]

13.10.422 City's right of revision.

The City reserves the right to enter into special written agreements with industrial users setting out special terms under which they may discharge to the POTW. In no case will a special agreement waive compliance with a pretreatment standard or requirement. However, the industrial user may request a net gross adjustment to a categorical standard in accordance with 40 CFR 403.15. They may also request a variance from the categorical pretreatment standard from EPA. Such a request will be approved only if the industrial user can prove that factors relating to its discharge are fundamentally different from the factors considered by EPA when establishing that pretreatment standard. An industrial user requesting a fundamentally different factor variance must comply with the procedural and substantive provisions in 40 CFR 403.13. [Ord. 286, 2012.]

Article VI. Pretreatment of Wastewaters

13.10.425 Pretreatment and screening.

Domestic sewage consisting essentially of human waste may be passed into the sewers without screening. Industrial waste must be examined prior to discharge into the City sewer system by the City Manager or designee and, if he deems it necessary, such wastes must be given preliminary treatment and be screened prior to their discharge into the City sewer system. The type of treatment and screening shall be subject to the City Manager's or designee's sole discretion.

No person shall suffer or permit any premises belonging to or occupied by or under his control, any cellar, vault, cesspool, privy, sewer or private drain thereon, to become foul or offensive and detrimental to the health or public comfort. [Ord. 286, 2012.]

13.10.426 Pretreatment facilities.

Industrial users shall provide necessary wastewater treatment as required to comply with this chapter and shall achieve compliance with all categorical pretreatment standards, local limits and the prohibitions set out in this chapter within the time limitations specified by the EPA, the State, or the City Manager or designee, whichever is more stringent. Any facilities required to pretreat wastewater to a level acceptable to the City shall be provided, operated, and maintained at the industrial user's expense. Detailed plans showing the pretreatment facilities and operating procedure shall be submitted to the City for review, and must be approved by the City before construction of the facility. The review of such plans and operating procedures will in no way relieve the industrial user from the responsibility of modifying the facility as necessary to produce an acceptable discharge to the City under the provisions of this chapter. [Ord. 286, 2012.]

13.10.427 Additional pretreatment measures.

(1) Whenever deemed necessary, the City Manager or designee may require industrial users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage waste streams from industrial waste streams, and such other conditions as may be necessary to protect the POTW and determine the industrial user's compliance with the requirements of this chapter.

(2) Each person discharging into the POTW greater than 100,000 gallons per day shall install and maintain, on his property and at his expense, a suitable storage and flow control facility to ensure equalization of flow over a 24-hour period.

(3) Industrial users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

(4) At no time shall any reading on a properly calibrated combustible gas detector at the point of discharge into the POTW, or at any point in the POTW, be more than 20 percent of the lower explosive limit (LEL) of the meter. [Ord. 286, 2012.]

13.10.428 Accidental discharge/slug control plans.

The City Manager or designee may require any industrial user to develop and implement an accidental discharge/slug control plan. At least once every two years the City Manager or designee shall evaluate whether each significant industrial user needs such a plan. Any industrial user required to develop and implement an accidental discharge/slug control plan shall submit a plan which provides, at a minimum, the following:

(1) Description of discharge practices including nonroutine batch discharges.

(2) Description of stored chemicals.

(3) Procedures for immediately notifying the POTW of any accidental or slug discharge. Such notification must also be given for any discharge which would violate any of the prohibited discharges in RDMC [13.10.410](#) and [13.10.420](#).

(4) Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response.

(5) Procedures for immediately notifying the POTW of any changes affecting the potential for a sludge discharge. [Ord. 286, 2012.]

13.10.429 Tenant responsibility.

Where an owner of property lets premises to any other person as a tenant, if either the owner or the tenant is an industrial user, either or both may be held responsible for compliance with the provisions of this chapter. This provision is enforceable against either the owner, tenant or both, without regard to any contractual arrangements as between the owner and tenant. [Ord. 286, 2012.]

13.10.430 Hauled wastewater.

(1) Septic tank waste of residential origin may be accepted into the POTW at a designated receiving structure within the treatment plant area, and at such times as are established by the City Manager or designee, provided such wastes do not violate the provisions of this chapter or any other requirements established or adopted by the City. Wastewater discharge permits for individual vehicles to use such facilities shall be issued by and at the discretion of the City Manager or designee, based on the interests and purposes to be served under this chapter.

(2) The discharge of hauled industrial wastes is prohibited without prior approval and a wastewater discharge permit from the City.

(3) Fees for dumping septage will be established as part of the industrial user fee system as authorized in this chapter. [Ord. 286, 2012.]

13.10.431 Federal categorical pretreatment standards.

The national categorical pretreatment standards found at 40 CFR, Chapter I, Subchapter N, Parts 405 through 471 are hereby incorporated. [Ord. 286, 2012.]

13.10.432 Interceptor requirements.

Grease, oil and sand interceptors shall be provided when, in the opinion of the City Manager or designee, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, or sand; except that such interceptors shall not be required for residential users. All interception units shall be of type and capacity approved by the City Manager or designee and shall be so located to be easily accessible for cleaning and inspection. All interception units shall be installed in accordance with the provisions of this chapter. Such interceptors shall be inspected, cleaned, and repaired regularly, as needed, by the owner at their sole expense. New and existing users that are determined by the City Manager or designee to have a reasonable potential to adversely impact the POTW shall install a grease interceptor.

- (1) Users that are required to have a grease interceptor may be required to connect fixtures or drains that have a reasonable potential to allow fats, oils, and grease to be discharged to the POTW to an appropriately sized grease interceptor.
- (2) Users with garbage grinders shall discharge the garbage grinder to a grease interceptor with a minimum capacity of 1,000 gallons or remove the garbage grinder.
- (3) Users with dishwashers shall discharge the dishwasher directly to the POTW or to a grease interceptor with a minimum capacity of 750 gallons.
- (4) Accumulated grease and sediment shall be removed as required. At a minimum gravity grease interceptors and grease traps shall be cleaned when the combined depth of sediment and grease equals or exceeds 25 percent of the total depth of the sediment, water, and grease. For multiple chambered interceptors the measurement of sediment and grease is to be performed in the final interceptor chamber prior to discharge. All other grease interceptors shall be maintained in accordance with the manufacturer's specifications.
- (5) Grease interceptors shall be kept free of nonfood waste including but not limited to grit, rocks, gravel, sand, eating utensils, cigarettes, trash, towels, and rags.
- (6) The addition of chemicals, enzymes, emulsifiers, live bacteria or other grease cutters or additives used for purposes of grease reduction to a grease interceptor is specifically prohibited.
- (7) If the City Manager or designee determines that a grease interceptor is not being adequately cleaned or maintained, a correction notice may be issued requiring the deficiency be corrected within seven working days. Maintenance programs including BMPs and defined cleaning frequencies may be mandated. Users that fail to adhere to a maintenance program may be required to install additional pretreatment devices.
- (8) The City will develop and implement a fats, oils, and grease policy.
- (9) Inspections and Sampling. The City Manager or any person designated by the City Manager may inspect the facilities of any user of the City of Rio Dell sanitary sewer system, or any facilities in any way or manner connected to the City of Rio Dell sanitary sewer system, to ascertain whether the purpose of this chapter is being met and all requirements are being complied with. Persons or occupants of the premises where sewage or wastewater is created or

discharged shall allow the City Manager or his designee ready access at all reasonable times and at all parts of the premises for the purposes of inspections or sampling, or in the performance of any of their duties. The City of Rio Dell shall have the right to set up on user's property such devices as are necessary to conduct sampling and metering operations. The refusal of reasonable access to the user's premises for inspection purposes or monitoring purposes of sanitary sewer system-related matters shall be grounds for immediate suspension of the Rio Dell sanitary sewer system service to the person refusing reasonable access to the user's premises, including immediate severance of the sewer connection as set forth in RDMC 13.10.460(7).

(10) Interceptors – Maintenance. All grease, oil and sand interceptors shall be maintained by the owner, at his expense, in continuously efficient operation at all times. [Ord. 286, 2012; Ord. 203, 1990; Ord. 190 §§ 49, 50, 51, 1987. Formerly 13.10.430 – 13.10.450.]

13.10.433 Time of compliance.

All commercial facilities and food establishments that are required to have a sand and/or grease interceptor or grease trap according to RDMC 13.10.432 shall be required to install a sand and/or grease interceptor or grease trap within the 60-day period after the first occurrence of any of the following events:

- (1) Transfer of any ownership or interest in the commercial facility;
- (2) The issuance by the County of any building permit for the construction, reconstruction or related work to be performed on the premises costing more than \$5,000;
- (3) The backup or discharge of raw sewage on or from the premises due to grease buildup in their service lateral; or
- (4) Ninety days after receiving written notice from the City Manager or designee of the necessity for installation of such facilities. [Ord. 286, 2012.]

13.10.434 Monitoring and reporting.

All establishments having a grease trap or interceptor shall maintain and clean this unit as recommended by the manufacturer. Each grease trap or interceptor shall be regularly maintained by the proprietor or property owner and records kept at the site for inspection by the City. Maintenance will vary depending upon the size of the unit and grease loading. The property owner or proprietor shall send a copy of the maintenance records to the City annually from the time of installation or some other agreed upon date by the City. At no time shall the unit be allowed to become clogged with grease so as to create damage to the City collection or treatment facilities. The proprietor must develop a cleaning schedule sufficient to keep the unit functioning properly. Records of grease disposal to a collection agent must be made available to City personnel upon request. [Ord. 286, 2012.]

Article VII. Waste Discharge Permit

13.10.435 Wastewater survey.

When requested by the City Manager or designee, all industrial users must submit information on the nature and characteristics of their wastewater by completing a wastewater survey prior to commencing their discharge. The City Manager or designee is authorized to prepare a form for this purpose and may periodically require industrial users to update the survey. Failure to complete this survey shall be reasonable grounds for terminating service to the industrial user and shall be considered a violation of this chapter, or for imposing penalties as set out in RDMC [13.10.457](#) through [13.10.466](#). [Ord. 286, 2012.]

13.10.436 Wastewater discharge permit requirements.

(1) Requirement.

(a) It shall be unlawful for any significant industrial user to discharge wastewater into the City's POTW without first obtaining a wastewater discharge permit from the City Manager or designee. Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of this chapter and subjects the wastewater discharge permittee to the enforcement actions set out in this chapter. Obtaining a wastewater discharge permit does not relieve a permittee of its obligation to comply with all Federal and State pretreatment standards or requirements or with any other requirements of Federal, State, and local law.

(b) The City Manager or designee may require other industrial users, including liquid waste haulers, to obtain wastewater discharge permits as necessary to carry out the purposes of this chapter.

(2) Existing Connections. Any significant industrial user which discharges industrial waste into the POTW prior to the effective date of the ordinance codified in this chapter and who wishes to continue such discharges in the future shall, within 45 days after said date, apply to the City for a wastewater discharge permit in accordance with RDMC [13.10.437](#), and shall not cause or allow discharges to the POTW to continue after 90 days of the effective date of the ordinance codified in this chapter except in accordance with a wastewater discharge permit issued by the City.

(3) New Connections. Any significant industrial user proposing to begin or recommence discharging industrial wastes into the POTW must obtain a wastewater discharge permit prior to discharging. An application for this wastewater discharge permit must be filed at least 45 days prior to the date upon which any discharge will begin.

(4) A zero discharge permit may be issued to industrial users generating process wastewaters who would normally be subject to either this section or subject to categorical pretreatment standards under 40 CFR 403.6 and 40 CFR, Chapter I, Subpart N, but are not discharging said waste stream(s) to the system. Zero discharge permit holders are subject to all applicable regulations under local, State, or Federal laws. Pursuant to this chapter, a statement of zero discharge must be submitted to the City annually. [Ord. 286, 2012.]

13.10.437 Wastewater discharge permit application.

(1) Contents. All industrial users required to have a wastewater discharge permit must submit a completed wastewater discharge permit application. The City Manager or designee shall approve a form to be used as a permit application. Incomplete or inaccurate applications will not be processed and will be returned to the industrial user for revision.

(2) Application Signatories and Certification. All wastewater discharge permit applications and industrial user reports must contain the following certification statement and be signed by an authorized representative of the industrial user:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

(3) Misleading, Incomplete or False Information. Any application submitted with information that is at any time determined to be materially misleading, incomplete or false may result in termination of the permit, disconnection of service, penalties under this chapter, as well as any other remedies provided by law. [Ord. 286, 2012.]

13.10.438 Wastewater discharge permit decisions.

The City Manager or designee will evaluate the data furnished by the industrial user and may require additional information. Within 45 days of receipt of a complete wastewater discharge permit application, the City Manager or designee will determine whether or not to issue a wastewater discharge permit. If no determination is made within this time period, the application will be deemed denied. The City Manager or designee may deny any application for a wastewater discharge permit. [Ord. 286, 2012.]

13.10.439 Duration of permit – Reissuance.

(1) Wastewater discharge permits shall be issued for a specified time period, not to exceed five years, at the discretion of the City Manager or designee. Each wastewater discharge permit will indicate a specific date upon which it will expire.

(2) A significant industrial user shall apply for wastewater discharge permit reissuance by submitting a complete wastewater discharge permit application in accordance with RDMC 13.10.437 a minimum of 45 days prior to the expiration of the industrial user's existing wastewater discharge permit. [Ord. 286, 2012.]

13.10.440 Permit contents.

Wastewater discharge permits shall include such conditions as are reasonably deemed necessary by the City Manager or designee to prevent pass through or interference, protect the quality of

the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, protect ambient air quality, and protect against damage to the POTW.

(1) Wastewater discharge permits shall contain the following conditions:

(a) A statement that indicates wastewater discharge permit duration, which in no event shall exceed five years.

(b) A statement that the wastewater discharge permit is nontransferable.

(c) Effluent limits applicable to the user based on applicable standards in Federal, State, and local law.

(d) Self-monitoring, sampling, reporting, notification, and record keeping requirements. These requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency, and sample type based on Federal, State, or local law.

(e) Statement of applicable civil, criminal, and administrative penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable Federal, State, or local law.

(f) Requirements to control slug discharges, if determined by the POTW to be necessary.

(2) Wastewater discharge permits may contain, but need not be limited to, the following:

(a) Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization.

(b) Limits on instantaneous, daily and monthly average and/or maximum concentration, mass, or other measure of identified wastewater pollutants or properties.

(c) Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works.

(d) Development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or routine discharges.

(e) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW.

(f) The unit charge or schedule of industrial user charges and fees for the management of the wastewater discharged to the POTW.

(g) Requirements for installation and maintenance of inspection and sampling facilities and equipment.

(h) A statement that compliance with the wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable Federal and State pretreatment standards, including those which become effective during the term of the wastewater discharge permit.

(i) Other conditions as deemed appropriate by the City Manager or designee to ensure compliance with this chapter, and State and Federal laws, rules, and regulations. [Ord. 286, 2012.]

13.10.441 Appeals.

Any person, including the industrial user, may petition the City to reconsider the terms of a wastewater discharge permit within 10 days of its issuance.

(1) Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.

(2) In its petition, the appealing party must indicate the wastewater discharge permit provisions objected to, the reason for this objection, and the alternative condition, if any, it seeks to place in the wastewater discharge permit.

(3) The effectiveness of the wastewater discharge permit shall not be stayed pending the appeal process.

(4) If the City fails to act within 30 days, a request for reconsideration shall be deemed to be denied.

(5) If the ruling made by the City Manager or designee is unsatisfactory to the person requesting reconsideration, they may, within 10 days after notification of such City action, file a written appeal to the Council. The written appeal shall be heard by the Council within 30 days after the date of filing. The Council shall make a final ruling on the appeal within 10 days after the close of the meeting. [Ord. 286, 2012.]

13.10.442 Permit modification.

(1) The City Manager or designee may modify the wastewater discharge permit with good cause including, but not limited to, the following:

(a) To incorporate any new or revised Federal, State, or local pretreatment standards or requirements;

(b) To address significant alterations or additions to the industrial user's operation, processes, or wastewater volume or character since the time of wastewater discharge permit issuance;

- (c) To address change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
 - (d) To address information indicating that permitted discharge poses a threat to the City's POTW, City personnel, or the receiving waters;
 - (e) For a violation of any terms or conditions of the wastewater discharge permit;
 - (f) For misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application nor in any required reporting;
 - (g) To address revision of or a grant of variance from categorical pretreatment standards pursuant to 40 CFR 403.13;
 - (h) To correct typographical or other errors in the wastewater discharge permit; and
- (2) The filing of a request by the permittee for a wastewater discharge permit modification does not stay any wastewater discharge permit condition. [Ord. 286, 2012.]

13.10.443 Transfer of permit.

Wastewater discharge permits may not be reassigned or transferred to a new owner. [Ord. 286, 2012.]

13.10.444 Revocation of permit.

- (1) Wastewater discharge permits may be revoked for the following reasons:
 - (a) Failure to notify the City of significant changes to the wastewater prior to the changed discharge;
 - (b) Failure to provide notification to the City of changed conditions pursuant to RDMC 13.10.449;
 - (c) Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
 - (d) Falsifying self-monitoring reports;
 - (e) Tampering with monitoring equipment;
 - (f) Refusing to allow the City timely access to the facility premises and records;
 - (g) Failure to meet effluent limitations;
 - (h) Failure to pay fines;

- (i) Failure to pay sewer charges;
 - (j) Failure to meet compliance schedules;
 - (k) Failure to complete a wastewater survey or the wastewater discharge permit application;
 - (l) Failure to provide advance notice of the transfer of a permitted facility; or
 - (m) Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or this chapter.
- (2) Wastewater discharge permits shall be voidable upon nonuse, cessation of operations, or transfer of business ownership. All wastewater discharge permits are void upon the issuance of a new wastewater discharge permit. [Ord. 286, 2012.]

Article VIII. Reporting Requirements

13.10.445 Baseline monitoring reports.

- (1) Within either 180 days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determined under 40 CFR 403.6(a)(4), whichever is later, existing significant industrial users subject to such categorical pretreatment standards, and currently discharging to or scheduled to discharge to the POTW, shall be required to submit to the City a report which contains the information listed in subsection (2) of this section. At least 90 days prior to commencement of their discharge, new sources, and sources that become industrial users subsequent to the promulgation of an applicable categorical standard, shall be required to submit to the City a report which contains the information listed in subsection (2) of this section. A new source shall also be required to report the method of pretreatment it intends to use to meet applicable pretreatment standards. A new source shall also give estimates of its anticipated flow and quantity of pollutants discharged.
- (2) The industrial user shall submit the information required by this section including:
- (a) Identifying Information. The name and address of the facility including the name of the operator and owners.
 - (b) Wastewater Discharge Permits. A list of any environmental control wastewater discharge permits held by or for the facility.
 - (c) Description of Operations. A brief description of the nature, average rate of production, and standard industrial classifications of the operation(s) carried out by such industrial user. This description should include a schematic process diagram which indicates points of discharge to the POTW from the regulated processes.

(d) Flow Measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined waste stream formula set out in 40 CFR 403.6(e).

(e) Measurement of Pollutants.

(i) Identify the categorical pretreatment standards applicable to each regulated process.

(ii) Submit the results of sampling and analysis identifying the nature and concentration (and/or mass, where required by the standard or by the City) of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum and long-term average concentrations (or mass, where required) shall be reported. The sample shall be representative of daily operation and shall be analyzed in accordance with procedures set out in RDMC [13.10.454](#).

(iii) Sampling must be performed in accordance with procedures set out in RDMC [13.10.455](#).

(f) Certification. A statement reviewed by the industrial user's authorized representative and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the pretreatment standards and requirement.

(g) Compliance Schedule. If additional pretreatment and/or O&M will be required to meet the pretreatment standards; the shortest schedule by which the industrial user will provide such additional pretreatment and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section must meet the requirements set out in RDMC [13.10.446](#), and signed by an authorized representative as defined by RDMC [13.10.010](#).

(h) Signature and Certification. All baseline monitoring reports must be signed and certified in accordance with RDMC [13.10.437](#)(2). [Ord. 286, 2012.]

13.10.446 Compliance schedule progress report.

The following conditions shall apply to the schedule required by RDMC [13.10.445](#). The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (such events include hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, beginning and conducting routine operation). No increment referred to above shall exceed nine months. The industrial user shall submit a progress report to the City Manager or designee no later than 14 days following each date in the schedule and the final date of compliance. The report shall include at a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the industrial user to return to the established schedule. In no event shall more than nine months elapse between such progress reports to the City Manager or designee. [Ord. 286, 2012.]

13.10.447 Report on compliance with categorical pretreatment standard deadlines.

Within 90 days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater into the POTW, any industrial user subject to such pretreatment standards and requirements shall submit to the City a report containing the information described in RDMC [13.10.445](#)(2)(d) through (f). For industrial users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR 403.6(c), this report shall contain a reasonable measure of the industrial user's long-term production rate. For all other industrial users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the industrial user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with RDMC [13.10.437](#)(2). [Ord. 286, 2012.]

13.10.448 Periodic compliance reports.

(1) Any significant industrial user subject to a pretreatment standard shall, at a frequency determined by the City Manager or designee, but in no case less than once per year (in December), submit a report indicating the nature and concentration of pollutants in the discharge which are limited by such pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. All periodic compliance reports must be signed and certified in accordance with RDMC [13.10.437](#)(2).

(2) All wastewater samples must be representative of the industrial user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of an industrial user to keep its monitoring facility in good working order shall not be grounds for the industrial user to claim that sample results are unrepresentative of its discharge.

(3) If an industrial user subject to the reporting requirement in and of this section monitors any pollutant more frequently than required by the POTW, using the procedure prescribed in RDMC [13.10.454](#) and [13.10.455](#), the results of this monitoring shall be included in the report. [Ord. 286, 2012.]

13.10.449 Reports of changed conditions.

Each industrial user is required to notify the City Manager or designee of any planned significant changes to the industrial user's operations or system which might alter the nature, quality or volume of its wastewater at least 45 days before the change.

(1) The City Manager or designee may require the industrial user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application.

(2) No industrial user shall implement the planned changed conditions until and unless the City Manager or designee has responded to the industrial user's notice.

(3) For purposes of this requirement, flow increases of 10 percent or greater, and the discharge of any previously unreported pollutants, shall be deemed significant. [Ord. 286, 2012.]

13.10.450 Reports of potential problems.

(1) In the case of any discharge including, but not limited to, accidental discharge of nonroutine, episodic nature, a noncustomary batch discharge, or a slug load which may cause potential problems for the POTW (including a violation of the prohibited discharge standards of this chapter), it is the responsibility of the industrial user to immediately telephone and notify the City of the incident. This notification shall include the location of discharge, type of waste, concentration and volume, if known, and corrective action taken by the industrial user.

(2) Within five days following such discharge, the industrial user shall, unless waived by the City Manager or designee, submit a detailed written report describing the causes of the discharge and the measures to be taken by the industrial user to prevent similar future occurrences. Such notification shall not relieve the industrial user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the industrial user of any fines, civil penalties, or other liability which may be imposed by this chapter.

(3) Failure to notify the City of potential problem discharges shall be deemed a separate violation of this chapter.

(4) A notice shall be permanently posted on the industrial user's bulletin board or other prominent place advising employees who to call in the event of a discharge described in subsection (1) of this section. Employers shall ensure that all employees, who may cause or suffer such a discharge to occur, are advised of the emergency notification procedure. [Ord. 286, 2012.]

13.10.451 Reports from nonsignificant industrial users.

All industrial users not subject to categorical pretreatment standards and not required to obtain a wastewater discharge permit shall provide appropriate reports to the City as the City Manager or designee may require. [Ord. 286, 2012.]

13.10.452 Notice of violation – Repeat sampling and reporting.

If sampling performed by an industrial user indicates a violation, the industrial user must notify the City within 24 hours of becoming aware of the violation. The industrial user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the City within 30 days after becoming aware of the violation. The industrial user is not required to resample if the POTW performs monitoring at the industrial user's location at least once a month, or if the

POTW performs sampling between the industrial user's initial sampling and when the industrial user receives the results of this sampling. [Ord. 286, 2012.]

13.10.453 Notification of the discharge of hazardous waste.

(1) Any industrial user who commences the discharge of hazardous waste shall notify the POTW, the EPA Regional Waste Management Division Director, and State hazardous waste authorities in writing of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include the names of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the industrial user discharges more than 10 kilograms of such waste per calendar month to the POTW, the notification shall also contain the following information to the extent information is known and readily available to the industrial users an identification of the hazardous constituents contained in the wastes, an estimation of the mass of constituents in the waste stream expected to be discharged during the following 12 months. All notifications must take place no later than 30 days after the discharge commences. Any notification under this subsection (1) need be submitted only once for each hazardous waste discharged. However, notifications of changed discharges must be submitted under RDMC [13.10.449](#). The notification requirement in this section does not apply to pollutants already reported under the self-monitoring requirements of RDMC [13.10.445](#), [13.10.447](#) and [13.10.448](#).

(2) In the case of any new regulations under Section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the industrial user must notify the POTW, the EPA Regional Waste Management Waste Division Director, and State hazardous waste authorities of the discharge of such substance within 90 days of the effective date of such regulations.

(3) In the case of any notification made under this section, the industrial user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

(4) This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this chapter, a permit issued thereunder, or any applicable Federal or State law. [Ord. 286, 2012.]

13.10.454 Analytical requirements.

All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136, unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses must be performed in accordance with procedures approved by the EPA. [Ord. 286, 2012.]

13.10.455 Sample collection – Determination of noncompliance.

(1) Sample Collection.

(a) Except as indicated in subsections (1)(b) and (c) of this section, the industrial user must collect wastewater samples using 24-hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the City Manager or designee. Where time-proportional composite sampling or grab sampling is authorized by the City, the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the City, as appropriate. In addition, grab samples may be required to show compliance with instantaneous limits.

(b) Samples for oil and grease, temperature, pH, cyanide, phenols, toxicity, sulfides, and volatile organic chemicals must be obtained using grab collection techniques.

(c) For sampling required in support of baseline monitoring and 90-day compliance reports required in RDMC [13.10.445](#) and [13.10.446](#) a minimum of four grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the City Manager or designee may authorize a lower minimum. For the reports required by RDMC [13.10.448](#) the industrial user is required to collect the number of grab samples necessary to assess and assure compliance with applicable pretreatment standards and requirements.

(2) Determination of Noncompliance. The City Manager or designee may use a grab sample to determine noncompliance with pretreatment standards. [Ord. 286, 2012.]

13.10.456 Record keeping.

Industrial users shall retain, and make available for inspection and copying, all records and information required to be retained under this chapter. These records shall remain available for a period of at least three years. This period shall be automatically extended for the duration of any litigation concerning compliance with this chapter, or where the industrial user has been specifically notified of a longer retention period by the City Manager or designee. [Ord. 286, 2012.]

Article IX. Administration and Enforcement

13.10.457 Duties of City Manager.

Except as otherwise provided in this chapter, the City Manager shall administer, implement and enforce the provisions of this chapter. Any powers granted to or duties imposed upon the City Manager may be delegated by the City Manager to other City personnel. [Ord. 286, 2012.]

13.10.458 Compliance monitoring.

(1) **Inspection and Sampling.** The City Manager or designee shall have the right to enter the facilities of any industrial user to ascertain whether the purpose of this chapter, and any permit or order issued hereunder, is being met and whether the industrial user is complying with all requirements thereof. Industrial users shall allow the City Manager or his representatives ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

(a) Where an industrial user has security measures in force which require proper identification and clearance before entry into its premises, the industrial user shall make necessary arrangement with its security guards so that, upon presentation of suitable identification, personnel for the City, State, and EPA shall be permitted to enter without delay, for the purposes of performing their specific responsibilities.

(b) The City, State, and EPA shall have the right to set up on the industrial user's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the user's operations.

(c) The City may require the industrial user to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the industrial user at its own expense. The monitoring equipment should normally be situated on the user's premises, but the City may, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in the public street or sidewalk area and located so that the facility will not be obstructed by landscaping or parked vehicles. All devices used to measure wastewater flow and quality shall be calibrated yearly to ensure their accuracy.

(d) Any temporary or permanent obstruction to safe and easy access to the industrial facility to be inspected and/or sampled shall be promptly removed by the industrial user at the written or verbal request of the City Manager or designee and shall not be replaced. The costs of clearing such access shall be borne by the industrial user.

(e) Unreasonable delays in allowing City personnel access to the industrial user's premises shall be a violation of this chapter.

(f) Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the City's requirements and all applicable local agency construction standards and specifications. Construction shall be completed within 90 days following written notification by the City, unless a time extension is otherwise granted by the City.

(2) **Search Warrants.** If the City Manager or designee has been refused access to a building, structure, or property or any part thereof, and if the City Manager or designee has demonstrated probable cause to believe that there may be a violation of this chapter or that there is a need to inspect as part of a routine inspection program of the City designed to verify compliance with

this chapter or any permit or order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the City Attorney may apply to the appropriate court for a search and/or seizure warrant describing therein the specific location subject to the warrant. The warrant shall specify what, if anything, may be searched and/or seized on the property described. In the event of an emergency affecting public health and safety, inspections shall be made without the issuance of a warrant. [Ord. 286, 2012.]

13.10.459 Publication of industrial users in significant noncompliance.

The City shall publish annually, in the largest daily newspaper published in the municipality where the POTW is located, a list of the significant industrial users and categorical industrial users which, during the previous 12 months, were in significant noncompliance with applicable pretreatment standards and requirements. The term “significant noncompliance” shall mean:

- (1) Chronic violations of wastewater discharge limits, defined here as those in which 66 percent or more of all of the measurements taken for the same pollutant parameter during a six-month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits, as defined by 40 CFR 403.3(l);
- (2) Technical review criteria (TRC) violations, defined here as those in which 33 percent or more of all of the measurements taken for the same pollutant parameter during a six-month period equal or exceed the product of the numeric pretreatment standard or requirement including instantaneous limits, as defined by 40 CFR 403.3(l) multiplied by the applicable TRC (TRC=1.4 for BOD, TSS, fats, oil, and grease, and 1.2 for all other pollutants except pH);
- (3) Any other violation of a pretreatment standard or requirement as defined by 40 CFR 403.3(l) (daily maximum, long-term average, instantaneous limit, or narrative standard) that the POTW determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public);
- (4) Any discharge of pollutants that has caused imminent endangerment to the public or to the environment or has resulted in the City’s exercise of its emergency authority to halt or prevent such a discharge;
- (5) Failure to meet, within 90 days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;
- (6) Failure to provide, within 30 days after the due date, any required reports, including baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- (7) Failure to accurately report noncompliance;
- (8) Any other violation which the City determines will adversely affect the operation or implementation of the local pretreatment program. [Ord. 286, 2012.]

13.10.460 Administrative enforcement remedies.

(1) Notification of Violation. Whenever the City Manager or designee finds that any person has violated or is violating this chapter, a wastewater discharge permit or order issued hereunder, or any other pretreatment requirement, the City Manager or his agent may serve upon said person a written notice of violation. Within seven days of the receipt of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the person to the City Manager or designee. Submission of this plan in no way relieves the person of liability for any violations occurring before or after receipt of the notice of violation. Nothing in this section shall limit the authority of the City to take any action, including emergency actions or any other enforcement action, without first issuing a notice of violation. The City Manager or designee has the option of providing a warning notice of violation (warning NOV). A warning NOV is a verbal or written communication between the City Manager or designee and the industrial user regarding possible enforcement action for potential or actual noncompliance by the industrial user. The City Manager or designee must document the warning in writing and place a copy of the documentation in the user's file.

(2) Consent Orders. The City Manager or designee may enter into consent orders, assurances of compliance, or other similar documents establishing an agreement with any person responsible for noncompliance. Such documents shall include specific action to be taken by the person to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to subsections (4) and (5) of this section and shall be judicially enforceable.

(3) Show Cause Hearing. The City Manager or designee may order a person which has violated, or continues to violate, any provision of this chapter, an individual wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, to appear before the City Manager or designee and show cause why the proposed enforcement action should not be taken. Notice shall be served on the person specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the person show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least seven days prior to the hearing. Such notice may be served on any authorized representative of the person as defined in RDMC 13.10.010 and required by RDMC 13.10.437(2). A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the person.

(4) Compliance Orders. When the City finds that a person has violated or continues to violate this chapter, wastewater discharge permits or order issued hereunder, or any other pretreatment standard or requirement, he may issue an order to the person responsible for the discharge directing that the person come into compliance within 30 days. If the person does not come into compliance within 30 days, sewer service shall be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders may not extend the deadline for compliance established for a Federal pretreatment standard or requirement, nor does a compliance order release the person of liability for any

violation, including any continuing violation. Issuance of a compliance order shall not be a prerequisite to taking any other action against the person.

(5) Cease and Desist Orders.

(a) When the City Manager or designee finds that a person is violating this chapter, the person's wastewater discharge permit, any order issued hereunder, or any other pretreatment standard or requirement, or that the person's past violations are likely to recur, the City Manager or designee may issue an order to the person directing it to cease and desist all such violations and directing the person to:

(i) Immediately comply with all requirements;

(ii) Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.

(b) Issuance of a cease and desist order shall not be a prerequisite to taking any other action against the person.

(6) Administrative Fine.

(a) Notwithstanding any other section of this chapter, any person that is found to have violated any provision of this chapter, its wastewater discharge permit, and orders issued hereunder, or any other pretreatment standard or requirement may be fined in an amount not to exceed \$1,000. Such fines shall be assessed on a per violation, per day basis. In the case of monthly or other long-term average discharge limits, fines may be assessed for each day during the period of violation.

(b) Assessments may be added to the person's next scheduled sewer service charge and the City Manager or designee shall have such other collection remedies as may be available for other service charges and fees.

(c) Unpaid charges, fines, and penalties shall, after 60 calendar days, be assessed an additional penalty of 10 percent of the unpaid balance and interest shall accrue thereafter at a rate of 0.5 percent per month. A lien against the individual person's property will be sought for unpaid charges, fines, and penalties.

(d) Persons desiring to dispute such fines must file a written request for the City Manager or designee to reconsider the fine along with full payment of the fine amount within 30 days of being notified of the fine. Where a request has merit, the City Manager or designee shall convene a hearing on the matter within 30 days of receiving the request from the industrial user. In the event the person's appeal is successful, the payment together with any interest accruing thereto shall be returned to the industrial user. The City may add the costs of preparing administrative enforcement actions such as notices and orders to the fine.

(e) Issuance of an administrative fine shall not be a prerequisite for taking any other action against the person.

(7) Emergency Suspensions.

(a) The City Manager or designee may immediately suspend a person's discharge (after informal notice to the person) whenever such suspension is necessary in order to stop an actual or threatened discharge which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons. The City Manager or designee may also immediately suspend a person's discharge (after notice and opportunity to respond) that threatens to interfere with the operation of the POTW, or which presents or may present an endangerment to the environment.

(i) Any person notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a person's failure to immediately comply voluntarily with the suspension order, the City Manager or designee shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The City Manager or designee shall allow the person to recommence its discharge when the person has demonstrated to the satisfaction of the City that the period of endangerment has passed, unless the termination proceedings set forth in this chapter are initiated against the person.

(ii) A person that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement describing the causes of the harmful contribution and the measures taken to prevent any future occurrence to the City Manager or designee, prior to the date of any show cause or termination hearing as set forth in this chapter.

(b) Nothing in this subsection shall be interpreted as requiring a hearing prior to any emergency suspension under this section.

(8) Termination of Discharge. The City Manager or designee may immediately suspend the sewer and water service when such suspension is necessary, in the opinion of the City Manager or designee, to stop an actual or threatened discharge of wastewater, sewage or any substance into the sanitary sewer system which presents or may present an imminent or substantial endangerment to the health or welfare of persons, to the environment, or causes interference or damage to the treatment works or sanitary sewer system.

(a) In addition to those provisions of RDMC 13.10.444, any person that violates the following conditions of this chapter, wastewater discharge permits, or orders issued hereunder, is subject to discharge termination.

(i) Violation of wastewater discharge permit conditions;

(ii) Failure to accurately report the wastewater constituents and characteristics of its discharge;

(iii) Failure to report significant changes in operations or wastewater volume, constituents and characteristics prior to discharge;

(iv) Refusal of reasonable access to the person's premises for the purpose of inspection, monitoring, or sampling;

(v) Violation of the pretreatment standards in RDMC [13.10.410](#) through [13.10.421](#) and RDMC [13.10.431](#).

(b) Any person notified of the suspension of the sewer and water service shall immediately stop or eliminate the contribution. Such person will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under subsection (3) of this section why the proposed action should not be taken. In the event of the failure of the person to comply voluntarily with the suspension order, the City Manager or designee shall take steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage or endangerment to any individuals or to the sanitary sewage system. The City Manager or designee shall reinstate the sewer and water service upon proof of the elimination of the noncomplying discharge. [Ord. 286, 2012; Ord. 203, 1990; Ord. 190 § 52, 54, 55, 1987.] Formerly 13.10.480 and 13.10.490.]

13.10.461 Judicial enforcement remedies.

(1) Injunctive Relief. Whenever the person has violated a pretreatment standard or requirement or continues to violate the provisions of this chapter, wastewater discharge permits or orders issued hereunder, or any other pretreatment requirement, the City may petition the Superior Court for the issuance of a temporary or permanent injunction, as may be appropriate in restraining the continuance of such violation.

(2) Civil Penalties.

(a) Any person which has violated or continues to violate this chapter, any order, or wastewater discharge permit hereunder, or any other pretreatment standard or requirement shall be liable to the City for a maximum civil penalty of \$6,000 per violation per day. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.

(b) The City may recover reasonable attorney's fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the City.

(c) When a discharge of wastes causes an obstruction, damage, or other impairment to the POTW, the City may assess a charge against the person for the cost of the work required to clean or repair the POTW and add such charge to the person's service charge.

(d) Filing a suit for civil penalties shall not be a prerequisite for taking any other action against a person. [Ord. 286, 2012.]

13.10.462 Supplemental enforcement actions.

(1) **Water Supply Severance.** Whenever a person has violated or continues to violate the provisions of this chapter, orders, or wastewater discharge permits issued in this chapter, water service to the person may be severed. Service will only recommence, at the person's expense, after it has satisfactorily demonstrated its ability to comply.

(2) **Public Nuisances.** Any violation of this chapter, wastewater discharge permits, or orders issued hereunder, is hereby declared a public nuisance and shall be corrected or abated as directed by the City Manager or his designee. Any person(s) creating a public nuisance shall be subject to the provisions of applicable State and City codes, ordinances, rules and/or regulations governing such nuisances, including recoupment by the City of any costs incurred in removing, abating or remedying said nuisance. [Ord. 286, 2012.]

13.10.463 Remedies nonexclusive.

The provisions in RDMC [13.10.458](#) through [13.10.462](#) are not exclusive remedies. The City reserves the right to take any, all or any combination of these actions against a noncompliant user. Enforcement of pretreatment violations will generally be in accordance with the City's enforcement response plan. However, the City reserves the right to take other action against any user when the circumstances warrant. Further, the City is empowered to take more than one enforcement action against any noncompliant user. These actions may be taken concurrently. [Ord. 286, 2012.]

13.10.464 Affirmative defenses to discharge violations.

(1) **Upset.**

(a) For the purposes of this section, "upset" means an exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards because of factors beyond the reasonable control of the industrial user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

(b) An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards if the requirements of subsection (1)(c) of this section are met.

(c) An industrial user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

(i) An upset occurred and the industrial user can identify the cause(s) of the upset.

(ii) The facility was at the time being operated in a prudent and workmanlike manner and in compliance with applicable operation and maintenance procedures.

(iii) The industrial user has submitted the following information to the POTW and treatment plant operator within 24 hours of becoming aware of the upset (if this information is provided orally, a written submission must be provided within five days):

(A) A description of the indirect discharge and cause of noncompliance.

(B) The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue.

(C) Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

(iv) In any enforcement proceeding, the industrial user seeking to establish the occurrence of an upset shall have the burden of proof.

(v) Industrial users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical pretreatment standards.

(vi) The industrial user shall control production of all discharges to the extent necessary to maintain compliance with categorical pretreatment standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

(2) Bypass.

(a) For the purposes of this section:

(i) "Bypass" shall mean the intentional diversion of waste streams from any portion of an industrial user's treatment facility.

(ii) "Severe property damage" shall mean substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

(b) An industrial user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of subsections (2)(c) and (d) of this section.

(c) Bypass Notification.

(i) If an industrial user knows in advance of the need for a bypass, it shall submit prior notice to the POTW, at least 10 days before the date of the bypass if possible.

(ii) An industrial user shall submit oral notice of an unanticipated bypass that exceeds applicable pretreatment standards to the POTW within 24 hours from the time it becomes aware of the bypass. A written submission shall also be provided within five days of the time the industrial user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the bypass. The POTW may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

(d) Bypass.

(i) Bypass is prohibited, and the POTW may take enforcement action against an industrial user for a bypass, unless:

(A) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

(B) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

(C) The industrial user submitted notices as required under subsection (2)(c) of this section.

(ii) The POTW may approve an anticipated bypass, after considering its adverse effects, if the POTW determines that it will meet the three conditions listed in subsection (2)(d)(i) of this section. [Ord. 286, 2012.]

13.10.465 Penalty.

(1) Any person that willfully or negligently violates any provision of this chapter, any orders, or wastewater discharge permits issued hereunder, or any other pretreatment requirement shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than \$500.00 per violation per day or imprisonment for not more than one year or both.

(2) Any person that willfully or negligently introduces any substance into the POTW which causes personal injury or property damage shall, upon conviction, be guilty of a misdemeanor and be subject to a penalty of at least \$500.00 per violation per day or imprisonment for not more than one year. This penalty shall be in addition to any other cause of action for personal injury or property damage available under State law.

(3) Any person that knowingly makes any false statements, representations, or certifications in any application, record, report, plan or other documentation filed, or required to be maintained, pursuant to this chapter, wastewater discharge permit or order, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this chapter shall,

upon conviction, be punished by a fine of not more than \$500.00 per violation per day or imprisonment for not more than one year or both.

(4) In the event of a second conviction, a person shall be punished by a fine of not more than \$2,000 per violation per day or imprisonment for not more than two years or both. [Ord. 286, 2012; Ord. 203, 1990; Ord. 190 § 57, 1987; Ord. 38 § 2, 1965. Formerly 13.10.510.]

13.10.466 Appeals.

Any user, permit applicant or permit holder affected by any decision, action or determination, including cease or desist orders made by the City Manager or designee in interpreting or implementing the provisions of this chapter, or any permit issued pursuant to the provisions of this chapter, may file with the City Manager or designee a written request for reconsideration within 10 days of such decision, action or determination, setting forth in detail the facts supporting the user's request for reconsideration.

If the ruling made by the City Manager or designee is unsatisfactory to the person requesting reconsideration, the person may, within 10 days after notification of such City action, file a written appeal to the City Council. The written appeal shall be heard by the City Council within 30 days after the date of filing. The Council shall make a final ruling on the appeal within 10 days after the close of the meeting. The Manager's decision, action or determination shall remain in effect during the period of reconsideration. [Ord. 286, 2012; Ord. 203, 1990; Ord. 190 § 56, 1987. Formerly 13.10.500.]

Article X. Sewer Lateral Inspection at Time of Sale

13.10.467 Transfer of property and testing.

Whenever any property is to be sold or transferred to or vested in any other entity, the sewer lateral(s) to the property shall be tested for infiltration and all necessary repairs or replacements performed to prevent all infiltration.

This test will be set up by a licensed contractor, paid for by the property seller or buyer, and signed off by the City Manager or authorized representative. Test requirements are available at City Hall.

An inspection card signed by an authorized City inspector must accompany title transfer proceedings. It is the responsibility of the property buyer or seller to repair, replace and conform to all infiltration requirements prior to transfer of property connected to the City sewer system.

Exceptions: This section shall not apply to:

(1) Condominium or cooperative apartment buildings;

(2) To all buildings where the City Manager, or authorized representative, determines that testing and repair or replacement of lateral(s) has been performed to City standards within the last three years;

(3) To all buildings where the City Manager, or authorized representative, determines that new sewer construction has been inspected and passed within the last three years.

This determination shall be made by a test performed by City staff. Except for standard permit costs, there will be no charge to the property owner for this test. In the event that the test fails, refer to RDMC 13.10.469. [Ord. 286, 2012.]

13.10.468 Sewer lateral testing.

The property owner or his/her appointed contractor shall obtain a plumbing permit for sewer lateral testing prior to commencing with the testing procedure. Testing methods and procedures shall conform to standard testing specifications (Sewer Testing Procedures) adopted by the City, copies of which are on file in the City Clerk's office. All conditions and access shall be made ready prior to scheduling an inspection. If an inspection is scheduled and cannot be performed because of inadequate condition or access to the sewer lateral, the City may recover costs. [Ord. 286, 2012.]

13.10.469 Failure of test.

Should the lateral fail the test, the lateral shall be either repaired or replaced and retested. A plumbing permit will be required in order to perform the necessary repairs or replacement. This process shall continue until the lateral passes the required test.

Lateral Certification. Once the lateral has successfully passed the testing procedure, the City inspector witnessing the test will sign the permit inspection card as approved. [Ord. 286, 2012.]

Article XI. Backflow and Cleanout Installation

13.10.470 Backflow protective device and cleanout riser.

All new building laterals including lateral replacements shall be equipped with a cleanout riser. All new building laterals shall be also fitted with a backflow prevention device of type and materials as approved by the City. In addition, existing buildings in which the elevation of the lowest floor is less than 12 inches above the rim elevation of the nearest upstream manhole or junction structure in the reach of a City main sewer into which a building sewer, through a lateral, connects shall be protected from backflow of sewage by installing a backflow protective device of a type and in the manner prescribed by the City. Any such backflow protective device shall be installed by the owner of the property on which the building is constructed, and shall be located on the building sewer between the building and the property line, preferably at the location of the cleanout. The backflow protective device, if below grade, shall be enclosed in a suitable concrete utility box with removable cover and shall be readily accessible for inspection and maintenance. The installation of any such backflow protective device shall be at the sole cost

and expense of the property owner. The maintenance of the backflow protective device shall be the sole obligation of the owner or the owner's successor in interest. The City shall be under no obligation to ascertain that the backflow protective device continues in operating condition. [Ord. 286, 2012.]

Section 2. Effective Date

This Ordinance becomes effective thirty (30) days after the date of approval and adoption.

I HEREBY CERTIFY that the forgoing Ordinance was duly introduced at a regular meeting of the Rio Dell City Council on June 17, 2014 and furthermore the forgoing Ordinance was passed and adopted at a regular meeting of the City Council of the City of Rio Dell on July 1, 2014 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Jack Thompson, Mayor

ATTEST:

I, Karen Dunham, City Clerk for the City of Rio Dell, State of California, hereby certify the above and forgoing to be a full, true and correct copy of Ordinance 322-2014 adopted by the City Council of the City of Rio Dell on July 2014.

Karen Dunham, City Clerk, City of Rio Dell

*Rio Dell City hall
675 Wildwood Avenue
Rio Dell, CA 95562
(707) 764-3532
riodellcity.com*



June 17, 2104

TO: Rio Dell City Council

FROM: Jim Stretch, City Manager

SUBJECT: Resolution 1222-2014 establishing Wastewater Rate Adjustments Based on Volume and rate adjustments based on CPI Index.

IT IS RECOMMENDED THAT THE CITY COUNCIL:

1. Reopen the continued Proposition 218 public hearing on proposed wastewater rate adjustments set forth in Resolution No. 1222- 2014, noticed more than 45 days ago and sent to all property owners and residential occupants in the City of Rio Dell, and
2. Receive public testimony on proposed rate adjustments noted in Resolution 1222-2014, and
3. Close the public hearing, and
4. Adopt Resolution No.1222-2014 adjusting wastewater rates from a flat rate to a new method, whereby 70% of revenue is based on a fixed monthly charge and 30% of revenue is based on a new volume rate, presented in the Bartle Wells Associates May 14, 2014 study entitled "City of Rio Dell, Wastewater Rate and Capacity Fee Study", and including a change away from the fixed 3% inflator each year to an adjustment based on the annual CPI index.

BACKGROUND AND DISCUSSION

On May 20, 2014 the City Council by motion and unanimous vote accepted staff's recommendation on the proposed wastewater rate study as set forth in the May 14, 2014 rate study by Bartle Wells Associates. As you recall, the recommendation was to change the wastewater rates from a fixed \$76.16 /month to a rate structure of 70% fixed (\$47.01/month) and 30%/month determined by volume and strength of water usage, based on the survey month of the preceding December, January and February.

The Council was ready to take an action on May 20, 2014, but the applicable Resolution and Ordinance was not prepared. The Council directed that the public hearing be continued and for staff to return with the necessary Resolution 1222-2104 and Ordinance 322-2014, which are presented this evening as separate items.

RESOLUTION NO. 1222-2014

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIO DELL ESTABLISHING WASTEWATER FEES AND CHARGES FOR WASTEWATER CUSTOMERS PURSUANT TO ORDINANCE NO. 207

WHEREAS, the City of Rio Dell is authorized by the California Constitution and the California Code to charge fees to cover expenses for the services it provides; and

WHEREAS, the City Council of the City of Rio Dell did adopt Ordinance No. 207 that allows for sewer rates and charges to be modified by resolution of the City Council to provide for future changes; and

WHEREAS, Ordinance No. 207 deemed reasonable and authorizes the Council for the City of Rio Dell to fix charges to pay for expenses to be incurred by the wastewater department. The expenses to be paid include: (a) salaries, office expenses and other necessary disbursements; (b) the operation expenses of the utility; (c) provisions for the appropriate funds for repairs, replacements or betterments "

WHEREAS, all wastewater system connections, once purchased, place a demand on the capacity of the treatment and collection system for processing and treat possible effluent whether in service or not; and

WHEREAS, the City Council of the City of Rio Dell has held public meetings pursuant to Proposition 218 to discuss the need for an increase in wastewater rates and charges; and

WHEREAS, the City has entered into a funding agreement for construction of a \$12.6 million Sewer Plant and Effluent Disposal Project with the State Water Resources Control Board; and the City must earmark funds for the repayment of the loan

NOW, THEREFORE BE IT RESOLVED that this Resolution establishes and fixes wastewater service rates and charges for residential, commercial and institutional customers and replaces the wastewater rates and previously set by Ordinance or Resolution. Wastewater rates shall include a fixed minimum charge in addition to volume rates based on winter water consumption. Wastewater rates shall meet the following conditions:

- 1) **Sewer Bills.** Sewer bills are based on consumption but in no case are sewer bills less than the fixed minimum service charge that is applied to the sewer bill for an equivalent dwelling unit (EDU).
- 2) **Definition of Consumption.** "Consumption" shall mean a three month average of winter water use as measured and recorded at the water meter serving the same parcel or premise receiving sewer service for the months of December, January, and February. The City Engineer is authorized to make adjustments to customer winter water consumption due to any of the following conditions:

Vacancy: If the water consumption readings for the three winter months indicate that the premise being served sewer service was vacant during a portion of the three winter months, the City is authorized to average the water consumption for the period the premise appeared to be occupied.

Irregularity: The City is authorized to eliminate from the calculation water readings which are clearly not representative of average monthly water use when compared to water readings for two of the three months.

The Resolution also contains a change in the annual user rate adjustment of 3% on July 1 of each year. Based on comments from Council Members over the many months, the annual adjustment for inflation is recommended to be based on the Bureau of labor Statistics CPI index, which was 1.6% this year.

Also attached is a copy of the wastewater rate study prepared by Bartle Wells, dated May 14, 2014.

The wastewater rate Resolution 1222-2014 is ready for adoption, but will not be effective until August 1, 2014 after Ordinance 322-2014 has had its first and second reading and becomes effective 30 days thereafter.

Attachments: 1) Resolution 1222-2014
2) May 14, 2014 Wastewater Rate and Capacity Fee Study prepared by Bartle Wells Associates

New Residential Account: New residential accounts will be billed based on the city-wide residential average until a usage history is established.

New Commercial Account: New commercial accounts at existing locations will be billed based on prior occupant's water consumption unless the new commercial operation is significantly different from the previous commercial operation.

- 3) **Water Consumption Measurements.** Water consumption is measured in units of one hundred cubic feet ("ccf"). One ccf equals 748 gallons.
- 4) **Winter Water Consumption Rate.** Each unit of winter water consumption is billed at the volume rate for the customer category group. Sewer fixed minimum charges and volume rates are presented in the table below:

Sewer Fees and charges per Equivalent Dwelling Unit:

Customer class	Customer Class Description	Minimum Monthly (Fixed) Sewer Service Charge	Volume Rate (per ccf of winter water use)
Low Strength	See Exhibit A	\$47.01 per EDU	\$3.29 per ccf
Domestic Strength	See Exhibit A	\$47.01 per EDU	\$4.11 per ccf
Medium Strength	See Exhibit A	\$47.01 per EDU	\$6.17 per ccf
High Strength	See Exhibit A	\$47.01 per EDU	\$7.19 per ccf

EDU – equivalent dwelling unit

Ccf – hundred cubic feet

- 5) **Residential Water Consumption Maximum.** Single family residential and multifamily residential customers shall not be billed for monthly winter water consumption in excess of 15 units.
- 6) **Customer Categories Groups.** Sewer customers are classified as low strength, domestic strength, medium strength, and high strength based on the content and strength of the discharge as established by industrial standards and California State Water Resources Control Board guidelines and as determined by the City Engineer.

BE IT RESOLVED that the rates stated in this Resolution will be effective August 1, 2014; and

BE IT RESOLVED that rates will be ~~increased by three percent~~ **adjusted** for inflation each year **based on the Bureau of Labor Statistics, Consumer Price Index for All Urban Consumer**, and effective July 1 of each fiscal year. **The month of comparison from the index shall be the preceding January**; and

BE IT FURTHER RESOLVED that these fees and charges apply to all connections to the City of Rio Dell's wastewater collection and treatment system, once they are purchased from the City, without regard to the actual status of the connection or if the premises are occupied or unoccupied; and

PASSED AND ADOPTED at a special council meeting of the City of Rio Dell held on June 17, 2014 by the following vote:

Ayes:

Noes:

Abstain:

Absent:

Jack Thompson, Mayor

ATTEST:

City Clerk

Exhibit A

Strength Classifications into Low, Domestic, Medium, and High Strength Dischargers

Low Strength	<ul style="list-style-type: none"> Banks & Financial Institutions Barber Shops Hair Salon (hair cutting only) Dry Cleaners Laundromats Offices - Business and Professional Offices - Medical/Dental (without surgery) Post Offices Retail Stores Schools without cafeteria Car Wash
Domestic Strength	<ul style="list-style-type: none"> Residential - All Appliance Repair Auto Dealers - without Service Facilities Nail Salons Pet Groomers Bars & Taverns - without dining Camp Ground or RV Park Churches, Halls & Lodges Fire Stations Hotels, Motels, B&Bs, and Vacation Rentals (W/O restaurant) Libraries Rest Homes Shoe Repair Shops Theaters Warehouses Car Washes - Self Service High Tech Medical Manufacturing Light Manufacturing/Industrial Mobile Home Park Gas Station Gym or Health Club Schools with cafeteria Auto Dealers - with Service Facilities Machine Shops Service Stations, Garages, Auto Repair Shops
Medium Strength	<ul style="list-style-type: none"> Restaurants - W/O Dish Washer & Garbage Disposal Coffee Shops - W/O Dish Washer & Garbage Disposal Mini Marts - W/O Dish Washer & Garbage Disposal Mini Mart with Gas Pumps - W/O Dish Washer & Garbage Disposal Catering - W/O Dish Washer & Garbage Disposal Hotel/Motel with Restaurant Beauty Shops (hair cutting w/additional treatments) Hospitals - General, Convalescent & Veterinarian Medical Offices - with Surgery Dental Offices
High Strength	<ul style="list-style-type: none"> Restaurants - with Dish Washer or Garbage Disposal Coffee Shops - with Dish Washer or Garbage Disposal Catering - with Dish Washer or Garbage Disposal Bakeries Butcher Shops Fish Market/Shop Markets - with Dish Washer or Garbage Disposal Markets - with Bakeries or Butcher Shops Mini Marts - with Dish Washer or Garbage Disposal Wineries Cheese Makers Dairy Products (milk producers, yogurt, ice cream maker) Specialty Foods Manufacturing (e.g., olive oil maker) Ice Cream Shop Tasting Rooms Spa with Various Beauty Treatments Funeral Homes/ Mortuary

City of Rio Dell



Wastewater Rate and Capacity Fee Study

DRAFT

May 14, 2014



BARTLE WELLS ASSOCIATES
INDEPENDENT PUBLIC FINANCE ADVISORS



BARTLE WELLS ASSOCIATES
INDEPENDENT PUBLIC FINANCE ADVISORS

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May 14, 2014
Jim Stretch, City Manager
City of Rio Dell
675 Wildwood Avenue
Rio Dell, CA 95562

Re: Wastewater Rate Study

Bartle Wells Associates (BWA) is pleased to submit to the City of Rio Dell the attached Wastewater Rate and Capacity Fee Study. The report presents BWA's recommended approach for changing the City's current flat wastewater rate to a flat plus volumetric rate structure. This report also recommends a new capacity fee for the wastewater system.

BWA finds that the wastewater rates and charges proposed in our report to be based on the cost of service, follow generally accepted rate design criteria, and adhere to the substantive requirements of Proposition 218. BWA believes that the proposed rates are fair and reasonable to the City's customers.

We enjoyed working with you on the rate study and appreciate the assistance and cooperation of City staff throughout the project. Please contact us if you ever have any future questions about this study and the rate recommendation.

Yours truly,

Doug Dove, CIPFA
Principal

Alison Lechowicz
Financial Analyst

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Executive Summary

Bartle Wells Associates (BWA) was engaged by the City of Rio Dell to develop a new wastewater rate structure and to update the City's wastewater capacity fee.

Monthly Wastewater Rate

The current wastewater rate is a fixed monthly charge of \$76.16 per residence, also referred to as an equivalent dwelling unit (EDU). Commercial customers are assigned multiple EDUs based on their wastewater flow and pollutant loading relative to a single family residential customer.

BWA's recommended alternative wastewater rate structure includes a fixed monthly charge (\$/EDU) plus a volume rate (\$/hundred cubic feet) based on estimated wastewater flow. BWA developed wastewater rate alternatives by allocating the current wastewater cost of service of \$1.17 million to fixed and volume cost categories. The fixed monthly charge is based on each customer's EDU count and the volume rates are based on wastewater flow and strength characteristics.

The benefit of implementing a volume rate is equitability. Lower wastewater users pay a lower monthly bill than high wastewater users. Each customer pays a wastewater bill more closely proportional to how he or she uses the wastewater system.

BWA's Recommended Rate Structure: 70% Fixed and 30% Volume

BWA's recommendation allocates 70% of costs to the fixed charge and 30% of costs to the volume (variable) charge.

Table ES-1
City of Rio Dell
Wastewater Rate and Capacity Fee Study
Recommended Rate Structure: 70% Fixed and 30% Volume

Fixed Monthly Charge	\$47.01	per EDU
Volume Rate		
Customer Class		
Low	\$3.29	per ccf
Domestic Strength	\$4.11	per ccf
Medium	\$6.17	per ccf
High	\$7.19	per ccf

ccf = hundred cubic feet

The average residential customer has a monthly wastewater flow of 5 hundred cubic feet (ccf) and would have a monthly bill of \$67.56 under the recommended rates, a decrease from the current monthly bill of \$76.16.

$$\begin{array}{rccccccc}
 \text{Fixed} & & & & \text{Volume} & & \text{Winter} & & \text{Total} \\
 \text{Charge} & & & & \text{Rate} & & \text{Water Use} & & \text{Monthly Bill} \\
 \$47.01 & + & (& \$4.11 & \times & 5 &) & = & \$67.56 \\
 & & & \text{\$/ccf} & & \text{ccf} & & &
 \end{array}$$

Billing Procedures

BWA proposes changes to the City's billing procedures such that only property owners can hold sewer accounts. Renters should no longer be permitted to open new sewer accounts. The property owner would be the ultimate party responsible for paying the sewer bill. If the property owner does not pay the sewer bill, the delinquency would become a lien against the property. Moreover, BWA recommends that all properties including vacant or inactive accounts be charged the fixed, EDU-based charge.

BWA also recommends that the City cap the billed volume at 15 hundred cubic feet of sewer flow for residential customers to account for high water use that may be due to outdoor irrigation, i.e. water use that does not flow into the sewer system. Commercial customers are not proposed to be capped.

Capacity Fee

BWA conducted an analysis of the City's wastewater capacity fee and recommends increasing the current fee of \$950 to \$5,220 per equivalent dwelling unit. The recommended fee is a buy-in to the collection system and reflects the recently completed upgrades to the wastewater treatment plant. The recommended fee is moderate in comparison to other agencies in the region.

Rate Setting Legislation and Principles

In conducting this wastewater rate study, BWA adheres to the Proposition 218 requirements as described in this section. Subsequent sections provide the detailed, cost of service basis for BWA's rate recommendation.

Proposition 218

Proposition 218, the "Right to Vote on Taxes Act", was approved by California voters in November 1996 and is codified as Articles XIII C and XIII D of the California Constitution. Proposition 218 establishes requirements for imposing or increasing property related taxes, assessments, fees and charges. For many years, there was no legal consensus on whether water and wastewater rates met the definition of "property related fees". In July 2006, the California Supreme Court essentially confirmed that Proposition 218 applies to water and wastewater rates.

BWA recommends that the City follow the procedural requirements of Proposition 218 for all wastewater rate changes. These requirements include:

- **Noticing Requirement:** - The City must mail a notice of proposed rate changes to all affected property owners. The notice must specify the basis of the fee, the reason for the fee, and the date/time/location of a public rate hearing at which the proposed rates will be considered/adopted.
- **Public Hearing:** - The City must hold a public hearing prior to adopting the proposed rate changes. The public hearing must be held not less than 45 days after the required notices are mailed.
- **Rate Increases Subject to Majority Protest:** - At the public hearing, the proposed rates are subject to majority protest. If more than 50% of affected property owners submit written protests against the proposed rates, the rates cannot be adopted.

Proposition 218 also established a number of substantive requirements that apply to water rates and charges, including:

- **Cost of Service:** - Revenues derived from the fee or charge cannot exceed the funds required to provide the service. In essence, fees cannot exceed the “cost of service”.
- **Intended Purpose** - Revenues derived from the fee or charge can only be used for the purpose for which the fee was imposed.
- **Proportional Cost Recovery** - The amount of the fee or charge levied on any customer shall not exceed the proportional cost of service attributable to that customer.
- **Availability of Service** - No fee or charge may be imposed for a service unless that service is used by, or immediately available to, the owner of the property.
- **General Government Services** - No fee or charge may be imposed for general governmental services where the service is available to the public at large.

Charges for water, wastewater, and refuse collection are exempt from additional voting requirements of Proposition 218, provided the charges do not exceed the cost of providing service and are adopted pursuant to procedural requirements of Proposition 218.

Rate Development Principles

In reviewing the City’s current wastewater rates and finances, BWA used the following criteria in developing our recommendations:

1. *Revenue Sufficiency:* Rates should recover the annual cost of service and provide revenue stability.
2. *Rate Impact:* While rates are calculated to generate sufficient revenue to cover operating and capital costs, they should be designed to minimize, as much as possible, the impacts on ratepayers.
3. *Equitable:* Rates should be proportionately allocated among all customer classes based on their estimated demand characteristics. Each user class only pays its proportionate share.
4. *Practical:* Rates should be simple in form and, therefore, adaptable to changing conditions, easy to administer and easy to understand.

5. *Provide Incentive:* Rates provide price signals which serve as indicators to conserve water, reduce wastewater flow, and to use water efficiently.

Background

The City of Rio Dell (City) is located in Humboldt County and provides water and wastewater service to over 1,400 customers. The City currently charges all customers a fixed wastewater charge based on an equivalent dwelling unit (EDU) basis. Sometime ago, the City determined the wastewater flow and pollutant strength loading (loads) of the average residential customer. The average residential flow and loads is set as one EDU. Each commercial customer was assigned an EDU count based on the customer's flow and loads relative to a residential unit. The City engaged BWA to develop a new rate structure that includes a flat or fixed charge based on EDU count and a rate based on volume of wastewater discharged.

The City also engaged BWA to develop a new wastewater capacity fee. The City was successful in securing a Clean Water State Revolving Fund Grant and Loan for the upgrade of the wastewater treatment plant. The total cost of the improvement is \$10.7 million and the City received a grant (principal forgiveness) for \$6 million. Existing ratepayers and new connections will fund \$4.7 million in construction costs which will significantly affect the calculation of the capacity fee.

Wastewater Flow and Customer Projections

Customer Base

The City has approximately 1,400 residential and commercial wastewater customers recorded in the City's billing software. At any given time, some of the customers may have deactivated accounts. BWA analyzed the City's billing records and determined that the City's service area includes a number of rental units that have high turnover and revenues from these units may not be stable. Deactivated accounts are not currently charged the monthly rate.

Billing Procedures

BWA recommends that the City adjust its billing procedures to minimize delinquencies and lost revenue. The City has observed a trend of renters making their last month's rent payment and moving out of the City while neglecting to close their sewer account and pay their final sewer bill. These delinquencies result in lost revenue that is funded out of the sewer fund reserves.

BWA recommends that the City allow only property owners to hold sewer accounts. Renters should no longer be permitted to open new sewer accounts. The property owner would be the ultimate party responsible for paying the sewer bill. If the property owner does not pay the sewer bill, the delinquency would become a lien against the property. BWA recommends that as part of each renter's security deposit, the landlord/property owner collect funds for the payment of the renter's final sewer bill.

If the City implements BWA's new fixed plus volume sewer rate structure, BWA recommends that the City collect the fixed portion of the charge from all properties including those that have their water service shutoff or may be vacant. Sewer service is a capital-intensive utility with a high percentage of fixed costs. Vacant properties benefit from the City operating and maintaining the sewer system in good working condition such that properties can connect and receive service at any time. All properties, including vacant properties, should pay the fixed charge.

The billing records of December 2013, January 2014, and February 2014 were used to determine the EDU count and sewer flow of the City's service area. With the proposed changes to the billing procedures, the City can rely on revenues from all properties, including vacant properties, within the City. This change results in the EDU count increasing from about 1,300 EDUs under the old billing procedure (i.e. not charging vacant or disconnected accounts) to 1,433 EDUs under the new billing procedure.

Under the current (FY2013/14) monthly rate of \$76.16 per EDU and a customer base of 1,433 EDUs, the City could collect as high as \$1.31M in wastewater service charge revenue. To operate and maintain the sewer system and provide a high level of service, the sewer system revenue requirement is \$1,167,000. Under the new billing system with the current rate of \$76.16 per EDU, the City would collect revenues in excess of the cost of service.

Recommended Customer Classes

BWA reviewed the City's commercial customers and assigned customers to wastewater strength categories based on BWA's prior rate study experience, industry standard practice, and the wastewater strengths described in the Revenue Program Guidelines developed by the State Water Resources Control Board, see Table 1 and Appendix A.

Table 1
City of Rio Dell
Wastewater Rate and Capacity Fee Study
Customer Classifications

Customer Class	BWA Recommended Strength Factor	Example Customers
Low	0.80	Car wash, office, retail store, school w/o cafeteria, laundromat
Domestic	1.00	Single family residential, multifamily residential, hotel, school with cafeteria, motel, mobile home park, churches, auto shop, gas station, bars without dining
Medium	1.50	Beauty shop, medical office, dental office
High	1.75	Restaurant, market with food prep, bakery

BWA calculated the new EDU count of commercial customers by allocating 60% of the cost of service to flow and 40% to strength. This allocation is commonly used by small wastewater agencies that do not have detailed cost information or engineering studies available. The calculation for each commercial customer's EDU count is:

$$\text{EDU count} = (\text{avg winter water use}/5 \text{ ccf}) \times (60\% + 40\% \times \text{strength factor})$$

The average residential winter water use and assumed wastewater flow is 5 hundred cubic feet (ccf) per month. Wastewater flows are often estimated using winter water consumption. During the winter, customers typically do not use water for outdoor irrigation. The flow of each commercial customer is scaled in comparison to the 5 ccf wastewater flow of the average residential customer.

The City's current EDU count was compared with the BWA recommended EDU count based on the equation above. Some customers received a decrease in their EDU count and some received an increase. The BWA recommended EDU count results in a net gain of 15 EDUs. Under the BWA EDU count with no rate structure changes, the wastewater service charge would be \$67.16 to collect the revenue requirement of \$1.17M, see Table 2.

Table 2
City of Rio Dell
Wastewater Rate and Capacity Fee Study
EDU Count

Customer Class	Current EDU Count	BWA Recommended EDU Count	Net Change
Low	17	15	(2)
Domestic	1,402	1,414	12
Medium	3	4	1
High	<u>11</u>	<u>15</u>	<u>4</u>
	1,433	1,448	15
Cost of Service (determined by City)	\$1,310,000	\$1,167,000	
Annual Cost per EDU	\$913.92	\$805.94	
Monthly Cost per EDU	\$76.16	\$67.16	

Rate Structure Alternative

In addition to updating the EDU count, BWA developed a rate structure alternative that adequately recovers the cost of providing service, is fair to the ratepayers, and includes a volumetric rate based on estimated wastewater flow. BWA developed a rate alternative in which revenues are allocated to fixed and volume rate components. Based on our experience with smaller wastewater systems, like the City's, fixed costs typically make up 50% to 90% of total costs and variable costs make up 10% to 50% of total costs. The fixed rate component is based on the EDU count described in the previous section and the volume rate is calculated based on an estimate of winter water use. Winter water use is based on

the average monthly water use during December 2013, January 2014, and February 2014. The average monthly winter water use is multiplied by twelve to estimate yearly wastewater flow.

BWA's Recommended Rate Structure: 70% Fixed and 30% Volume

Under the recommended rate, BWA allocates 70% of revenue to the fixed monthly charge and 30% of revenue to a new volume rate. The fixed charge is based on the BWA recommended EDU count. The volume rate for low, domestic, medium, and high strength customers is scaled to the strength factor for each customer class.

The average residential monthly bill under the recommended rate structure is \$67.56.

$$\begin{array}{rclclclcl} \text{Fixed} & & & \text{Volume} & & \text{Winter} & & \text{Total} \\ \text{Charge} & & & \text{Rate} & & \text{Water Use} & & \text{Monthly Bill} \\ \$47.01 & + & (& \$4.11 & \times & 5 &) & = & \$67.56 \\ & & & \text{\$/ccf} & & \text{ccf} & & & \end{array}$$

Table 3
City of Rio Dell
Wastewater Rate and Capacity Fee Study
Recommended Rate Structure: 70% Fixed and 30% Volume

FIXED CHARGE CALCULATION - 70%

Total Cost of Service		\$1,167,000	Fixed Charge 70% Revenue \$816,900	
Customer Class	Strength Factor	BWA EDUs	Fixed Charge based on EDU	Annual Fixed Charge Revenue
Low	0.80	15	\$47.01	\$8,462
Domestic Strength	1.00	1,414	\$47.01	\$797,666
Medium	1.50	4	\$47.01	\$2,256
High	1.75	15	\$47.01	\$8,462
		1,448		\$816,846

VOLUME RATE CALCULATION - 30%

Total Cost of Service		\$1,167,000	Volume Rate 30% Revenue \$350,100	
			\$4.14 avg rate per ccf	
Customer Class	Strength Factor	Total Flow ¹	Volume Rate ²	Annual Volume Rate Revenue
Low	0.80	684	\$3.29	\$2,250
Domestic Strength	1.00	83,088	\$4.11	\$341,492
Medium	1.50	180	\$6.17	\$1,111
High	1.75	696	\$7.19	\$5,004
		84,648		\$349,857

1 - Units are hundred cubic feet (ccf). Based on winter water use. Residential winter water use is capped at 15 ccf per month.

2 - Volume rates are scaled to the domestic rate based on the strength factor (i.e. the low strength rate is 0.8 times the domestic strength rate). The domestic strength rate is set such that the total volume rate revenue is less than or equal to 30% of the cost of service.

Bill Impacts

Transitioning to a volume rate, residential customers with 7 ccf of wastewater flow or less will receive reductions in their monthly wastewater bills. BWA analyzed the monthly bill distribution of single family residential customers, see Figure 1. Under the recommended rates about 80% of single family residential customers would receive a decrease and about 20% of single family residential customers would receive an increase in their monthly wastewater bills. The maximum residential monthly bill (15 ccf) increase is \$32.50.

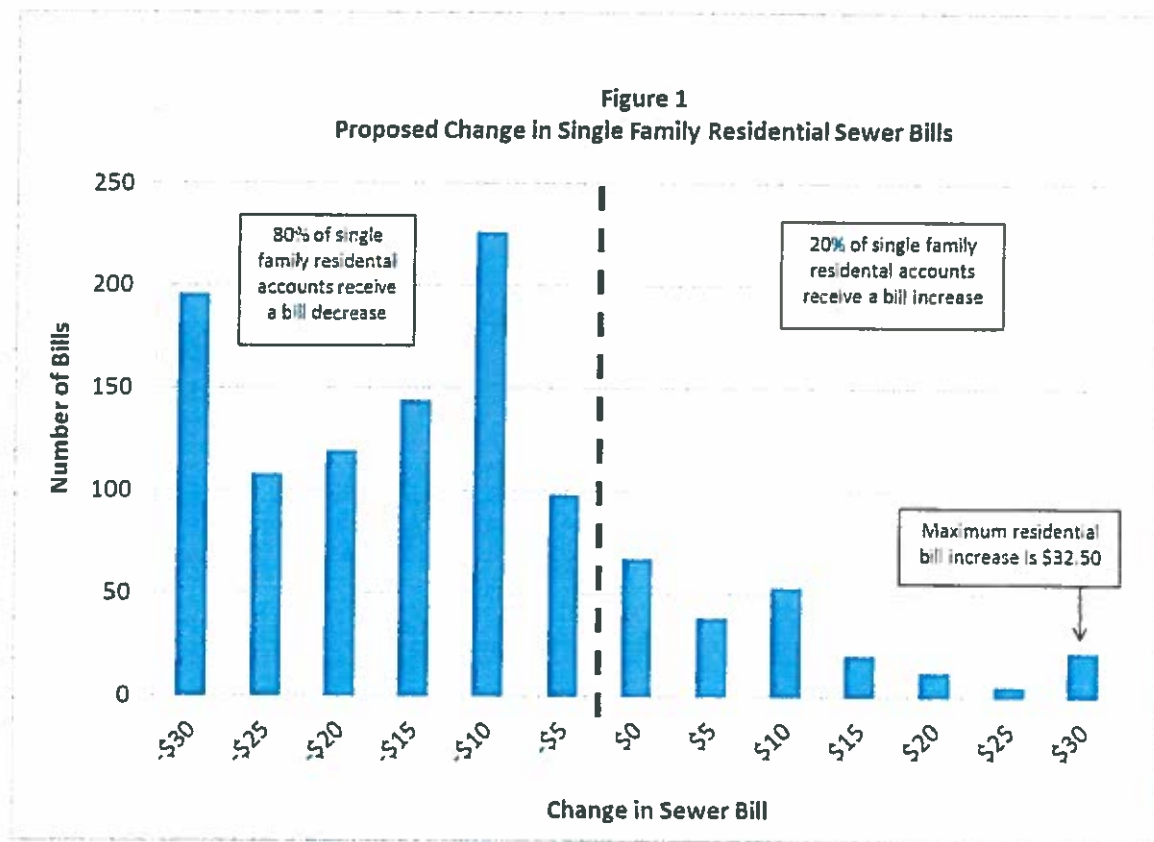


Table 4 shows bill impacts to low, average, and high water users under the recommended rates.

Table 4
City of Rio Dell
Wastewater Rate and Capacity Fee Study
Single Family Residential Customer Bills Comparison

Low User (3ccf)	Rate	Unit	Total Charge
Current			
Fixed	\$76.16	1	<u>\$76.16</u>
Total monthly bill			\$76.16
Recommended			
Fixed	\$47.01	1	\$47.01
Volume	\$4.11	3	<u>\$12.33</u>
Total monthly bill			\$59.34
Net change (recommended less current)			(\$16.82)
Average User (5ccf)	Rate	Unit	Total Charge
Current			
Fixed	\$76.16	1	<u>\$76.16</u>
Total monthly bill			\$76.16
Recommended			
Fixed	\$47.01	1	\$47.01
Volume	\$4.11	5	<u>\$20.55</u>
Total monthly bill			\$67.56
Net change (recommended less current)			(\$8.60)
High User (8ccf)	Rate	Unit	Total Charge
Current			
Fixed	\$76.16	1	<u>\$76.16</u>
Total monthly bill			\$76.16
Recommended			
Fixed	\$47.01	1	\$47.01
Volume	\$4.11	8	<u>\$32.88</u>
Total monthly bill			\$79.89
Net change (recommended less current)			\$3.73

Bill Survey

BWA conducted a bill survey to compare the current and proposed single family wastewater bill in the City of Rio Dell to other local agencies. Rio Dell currently has the highest sewer bill in the region, see Figure 2 and Table 5. Under BWA's proposed sewer rate alternative, the average single family residential wastewater bill is reduced from \$76.16 to \$67.56 and is no longer the highest bill in the region.

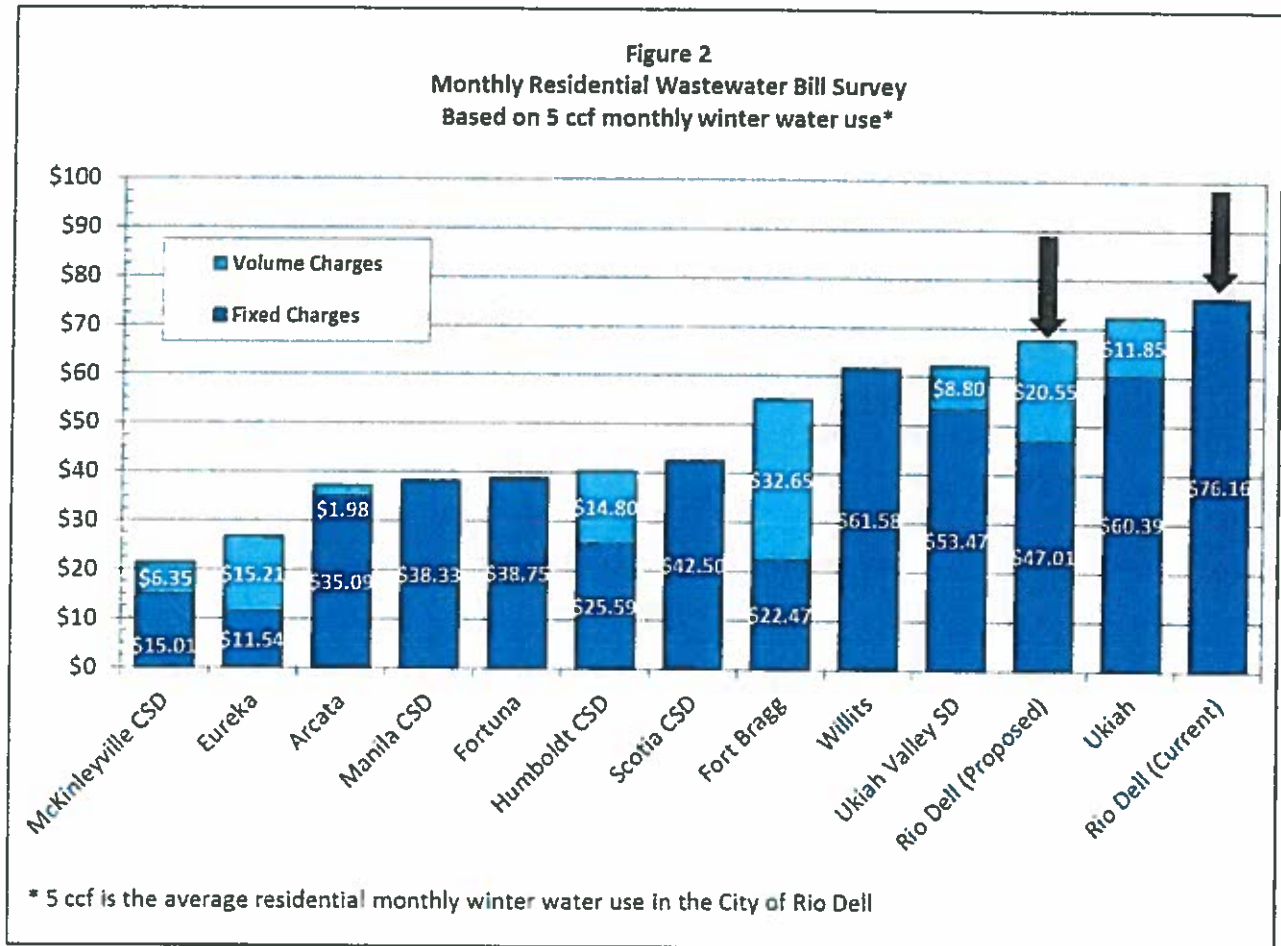


Table 5
City of Rio Dell
Wastewater Rate Study
Survey of Typical Monthly Bills of Residential Customers

Based on winter water use of 5 ccf per month	
McKinleyville Community Services District	
Fixed	15.01
Flow-based (\$1.09/ccf up to 12 ccf)	<u>6.35</u>
Total Monthly Bill	21.36
City of Eureka	
Fixed	11.54
Volume-based on water use over 2 units (\$4.43/ccf)	<u>15.21</u>
Total Monthly Bill	26.75
City of Arcata	
Base Charge	28.58
Sewer Repair Fee	5.00
Flow over allowance of 4.5 ccf (\$4.30/ccf)	<u>1.98</u>
Subtotal	35.56
Utility Tax of 3%	<u>1.51</u>
Total Monthly Bill	37.07
Manila Community Services District	
Fixed	<u>38.33</u>
Total Monthly Bill	38.33
City of Fortuna	
Base Charge for up to 5 ccf of flow	38.75
Flow-based (\$8.61/ccf over 5)	<u>0.00</u>
Total Monthly Bill	38.75
Humboldt Community Services District	
Account Charge	4.00
Base Rate	21.59
Flow-based (\$2.79/ccf)	<u>14.80</u>
Total Monthly Bill	40.39
Scotia Community Services District	
Fixed	<u>42.50</u>
Total Monthly Bill	42.50
City of Fort Bragg	
Fixed	22.47
Flow-based (\$6.20/ccf)	<u>32.65</u>
Total Monthly Bill	55.12
City of Willits	
Fixed	<u>61.58</u>
Total Monthly Bill	61.58
Ukiah Valley Sanitation District	
Fixed	53.47
Flow-based (\$4.45/ccf over 3.4)	<u>8.80</u>
Total Monthly Bill	62.27
City of Ukiah	
Fixed	60.39
Flow-based (\$2.29/ccf)	<u>11.85</u>
Total Monthly Bill	72.24
City of Rio Dell (current)	
Fixed	<u>76.16</u>
Total Monthly Bill	76.16

Wastewater Capacity Fee

As part of the wastewater rate study, BWA also evaluated the City's wastewater capacity fee. The purpose of capacity fees is to recover the capital costs of facilities needed to serve growth and new customers. In establishing any fee or charge, achieving equity is one of the primary goals. In the case of capacity fees, this goal is often expressed as "growth should pay for growth". The fees must be reasonable and non-arbitrary and based on facility capital costs, user loads, and system capacity.

California Government Code Section 66013 contains the regulations regarding water and wastewater connection fees or capacity fees. It states that such fees or charges shall not exceed the estimated reasonable cost of providing the service for which the fees or charges are imposed unless the amount of the fee or charge imposed in excess of the estimated reasonable cost of providing the services is submitted to the electorate and approved by two-thirds vote. The calculations provided below demonstrate the reasonable cost of service of providing wastewater service to the City's customers.

Capacity Fee Methodology

BWA used a System Buy-in Method for calculating the City's wastewater capacity fee. The buy-in concept is based on the premise that new customers are entitled to service at the same price as existing customers. Existing customers, however, have already provided the facilities that will serve the new customers, including any costs of financing those facilities. Under this method, new customers pay an amount equal to the investment already made by existing customers in the facilities. This equity investment is divided by the number of customers (or customer equivalents) to determine the amount of payment required from the new customer to buy in to the utility at parity with existing customers. Once new customers have paid their fee, they become equivalent to existing customers and share the responsibility for existing facilities. When additional costs are incurred for system improvements, replacement, or expansion, all customers share the costs of such improvements.

This method is appropriate because new customers are buying into the existing collection system and into the wastewater treatment plant. The City recently upgraded its wastewater treatment plant to come into compliance with a cease and desist order from the Regional Water Quality Control Board and to expand capacity. The improvements to the treatment plant benefit both existing and new customers and the costs of the improvements should be shared by both groups of customers. The project will increase capacity of treatment plant from 0.3 million gallons per day (mgd) to 0.5 mgd average dry weather flow. The expanded capacity will serve growth in the community through buildout. The total cost of the wastewater treatment plant expansion and improvements is \$10.7 million. \$6 million of the construction cost is offset by a grant and the remaining cost of \$4.7 million will be financed through a loan from the Clean Water State Revolving Fund.

BWA calculated a buy-in cost to the City's collection system based on the replacement cost new less depreciation (RCNLD) value of existing facilities. This valuation method is based on the depreciated accounting book value of each asset escalated into current dollars based on the change in the Engineering News-Record (ENR) Construction Cost Index 20 Cities Average from each asset's original date. The ENR index is a widely-used index for determining construction cost inflation.

Capacity Fee Calculation

The City provided BWA with a list of wastewater system assets, the original construction or purchase price, useful life of the asset, and depreciation. In total, the RCNLD value of the wastewater system is about \$11.35 million. HDR Engineering, the engineer for the wastewater treatment plant upgrade, determined that the average dry weather flow buildout capacity of the treatment plant will be 0.5 million gallons per day (mgd). \$11.35 million divided by 0.5 mgd equals a capacity cost of \$22.70 per gallon of dry weather flow per day. The average dry weather capacity per EDU is about 230 gallons¹ which equals a wastewater capacity fee of \$5,220 (\$22.70/gpd x 230 gallons), see Table 6.

Table 6
City of Rio Dell
Wastewater Rate and Capacity Fee Study
Wastewater Capacity Fee Calculation

Asset Description	Date of Construction or Purchase	Useful Life (Months)	Original Cost	Total Accumulated Depreciation	Remaining Book Value	RCNLD ¹
Infrastructure						
Misc Infrastructure	12/15/2010	360	2,750,571	(183,977)	2,566,594	2,823,613
Building and Improvements						
Corp Yard Fencing	12/15/2009	84	8,310	(3,561)	4,749	5,186
Land						
Misc Land	2000		502,543	NA	502,543	502,543
Mach & Equip						
RIVER PUMP	1/16/2004	84	5,505	(5,505)	0	0
SEWER PUMP	2/4/2004	84	15,974	(15,974)	0	0
SEWER MACHINE	3/18/2004	84	36,310	(36,310)	0	0
SEWER PUMP	6/1/2004	84	16,031	(16,031)	0	0
SEWER PUMP	7/9/2004	84	38,460	(38,460)	0	0
SEWER PUMP	3/20/2006	84	13,357	(13,183)	174	213
Fernbridge Tractor	4/25/2008	84	11,148	(7,964)	3,184	3,705
Aqua Sierra Controls	6/30/2008	60	73,342	(73,342)	0	0
2008 John Deere Tractor	3/15/2009	60	45,011	(34,008)	11,003	12,167
City Hall Heating Unit	11/9/2011	60	190	(38)	152	156
Vehicles						
1/2 2003 FORD F-351	8/30/2003	84	13,750	(13,750)	0	0
2008 Ford F-350	8/1/2008	60	12,386	(12,386)	0	0
1978 GMC Vactor Truck	5/6/2010	36	1,833	(1,833)	0	0
1993 Chevy S-10	7/28/2010	36	1,252	(1,252)	0	0
Construction In Progress						
CIP - Sewer Effluent Disposal	12/15/2012	480	3,291,939	0	3,291,939	3,300,683
Wastewater Treatment Plant (less grant)			<u>10,700,000</u>	<u>(6,000,000)</u>	<u>4,700,000</u>	<u>4,700,000</u>
Total Value of City Wastewater Facilities			\$17,537,910	(\$6,457,573)	\$11,080,337	\$11,348,265
Buildout dry weather flow (gallons/day)						500,000
Buy-in cost per gallon of flow						\$22.70
Average dry weather flow per EDU (gallons/day) ²						230
Wastewater capacity fee per EDU						\$5,220

1 - RCNLD is calculated by escalating the original cost to current dollars using the Engineering News Record Construction Cost Index 20 Cities Average.

2 - Calculated by BWA from information provided by HDR Engineering, Inc.

For new nonresidential customers, the City engineer should determine the EDU count of each new customer based on estimated wastewater flow and strength. The wastewater capacity fee for new nonresidential customers should be scaled to the EDU count.

³Calculated by BWA from information provided by Craig Olson, Project Manager for the Wastewater Treatment Plant upgrade, HDR Engineering, Inc. The current dry weather flow at the plant is approximately 0.3 mgd, divided by 1,292 EDUs equals a capacity of 230 gallons per day per EDU.

Capacity Fee Survey

The City's current wastewater capacity fee is \$950 per EDU, the lowest in the region. The recommended capacity fee of \$5,220 is competitive with other local agencies. BWA conducted a capacity fee survey of the typical fees for new single family connections and found that the fees range up to \$12,240 (Ukiah Valley Sanitation District), see Table 7 and Figure 3.

Table 7
City of Rio Dell
Wastewater Rate and Capacity Fee Study
Wastewater Capacity Fee Survey - Single Family Residential Home

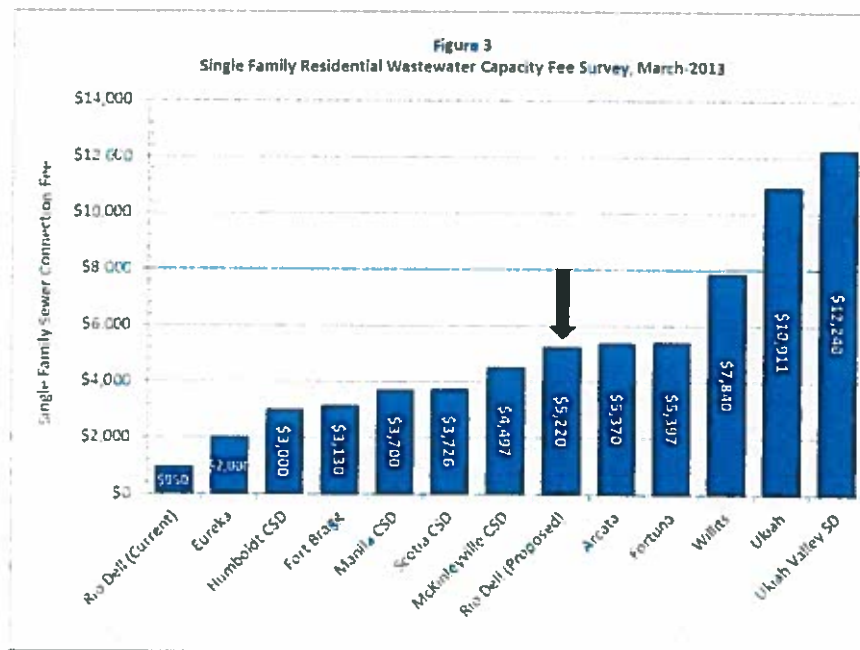
City of Rio Dell (Current)	950.00
City of Eureka	2,000.00
Humboldt Community Services District	3,000.00
City of Fort Bragg	3,129.59
Manila Community Services District ¹	3,700.00
Scotia Community Services District ²	3,726.00
McKinleyville Community Services District	4,497.00
City of Rio Dell (Proposed)	5,220.00
City of Arcata	5,370.00
City of Fortuna ³	5,397.00
City of Willits	7,840.00
City of Ukiah	10,911.00
Ukiah Valley Sanitation District ⁴	12,240.00

1 - District has a STEP sewer system.

2 - Typical capacity fee as shown in the District's Rules and Regulations, includes many sub-charges based on acreage.

3 - Assumes 17 fixture units for the typical home at a cost of 317.50 per fixture unit.

4 - Wastewater capacity fee for a two bedroom house.



Adjusting Capacity Fees

Capacity fees should be adjusted regularly to prevent them from falling behind the costs of constructing new facilities. Several methods can be used to adjust the capacity fees, including:

- **ENR Construction Cost Index:** ENR (Engineering News-Record) magazine publishes construction cost indices monthly for 20 major U.S. cities and an average of 20 cities around the U.S. These indices can be used to estimate the change in the construction cost of facilities. If the ENR Index has increased by three percent since the last capacity fee adjustment, the capacity fee should be increased by three percent.
- **U.S., California, or regional consumer price index.**
- **Interest rate and borrowing costs:** The interest and borrowing costs for debt issued to finance wastewater capital projects can be added to the capacity fee annually.

BWA recommends that the City adjust its capacity fees annually by the change in the ENR Construction Cost Index 20 Cities Average. This is the most appropriate index because it directly reflects construction costs. Suggested language for implementing this policy is:

Each year, commencing on (m/d/y) and continuing thereafter on each (m/d) , the capacity fee shall be adjusted by an increment based on the change in the Engineering News-Record Construction Cost Index 20 Cities Average over the prior year. However, the City Council may at its option determine, by resolution adopted prior thereto, that such adjustment shall not be effective for the next succeeding year, or may determine other amounts as appropriate.

Capacity fees should also be reviewed in detail when updated information, such as a revised master plan or capital improvement program, is obtained, but not less than every five years.

Appendix A

Low Strength	Banks & Financial Institutions Barber Shops Hair Salon (hair cutting only) Dry Cleaners Laundromats Offices - Business and Professional Offices - Medical/Dental (without surgery) Post Offices Retail Stores Schools without cafeteria Car Wash
Domestic Strength	Residential - All Appliance Repair Auto Dealers - without Service Facilities Nail Salons Pet Groomers Bars & Taverns - without dining Camp Ground or RV Park Churches, Halls & Lodges Fire Stations Hotels, Motels, B&Bs, and Vacation Rentals (W/O restaurant) Libraries Rest Homes Shoe Repair Shops Theaters Warehouses Car Washes - Self Service High Tech Medical Manufacturing Light Manufacturing/Industrial Mobile Home Park Gas Station Gym or Health Club Schools with cafeteria Auto Dealers - with Service Facilities Machine Shops Service Stations, Garages, Auto Repair Shops
Medium Strength	Restaurants - W/O Dish Washer & Garbage Disposal Coffee Shops - W/O Dish Washer & Garbage Disposal Mini Marts - W/O Dish Washer & Garbage Disposal Mini Mart with Gas Pumps - W/O Dish Washer & Garbage Disposal Catering - W/O Dish Washer & Garbage Disposal Hotel/Motel with Restaurant Beauty Shops (hair cutting w/additional treatments) Hospitals - General, Convalescent & Veterinarian Medical Offices - with Surgery Dental Offices
High Strength	Restaurants - with Dish Washer or Garbage Disposal Coffee Shops - with Dish Washer or Garbage Disposal Catering - with Dish Washer or Garbage Disposal Bakeries Butcher Shops Fish Market/Shop Markets - with Dish Washer or Garbage Disposal Markets - with Bakeries or Butcher Shops Mini Marts - with Dish Washer or Garbage Disposal Wineries Cheese Makers Dairy Products (milk producers, yogurt, ice cream maker) Specialty Foods Manufacturing (e.g., olive oil maker) Ice Cream Shop Tasting Rooms Spa with Various Beauty Treatments Funeral Homes/ Mortuary

675 Wildwood Avenue
Rio Dell, Ca 95562
(707) 764-3532



**CITY OF RIO DELL
STAFF REPORT
CITY COUNCIL AGENDA
June 17, 2014**

TO: Mayor and Members of the City Council

FROM: Jim Stretch, City Manager

DATE: June 17, 2014

SUBJECT: **Operations and Capital Budget for Fiscal Year 2014-2015**

IT IS RECOMMENDATION

Approve Resolution 1225-2014 adopting the City of Rio Dell 2014-2015 Fiscal Year Operating and Capital Budget.

BUDGETARY IMPACT

Approval of Resolution 1225-2014 will adopt the staffing plan funded in the budget, appropriate projected revenues totaling \$3,082,851, expenditures in the amount of \$3,216,775, and an appropriation to and from reserves in the amount of \$ -133,923 as follows:

Fund	Revenues	Expenditures	Transfers	Reserve Allocation
0 General Fund	772,838	888,968	-33,678	-149,808
08 Building Fund	50,075	80,775	33,678	2978
14 Parks		7300		-7300
20 Gas Tax	90,010	206,506	-6,940	-123,436
24 TDA	108,609	116,217	6,940	-668
27 Solid Waste	8,500	9,500		-1,000
39 CDBG				
40 SLESF	100,000	108,532		-8532
43 Vehicle Abatement		1,250		-1,250
46 Realignment Fund		9601		-9601
50 Sewer Operations	585,298	563,904	-61,211	-39,817
52 Sewer Capital	255,571		305,880	561,451
53 Sewer Assess. Dist.	28,785	27,500		1,285
54 Sewer Debt Service	325,900	325,880	-244,669	-244,649

Fund		Revenues	Expenditures	Transfers	Reserve Allocation
60	Water Operations	539,541	671,941	132,400	-200
61	Water Debt Service	140,724	136,000	-166,984	-162,260
62	Water Capital	77,000	45,000	34,584	66,784
74	Recycling		15,033		-15,033
93	Spay Neuter Fund		2868		-2868
Total		3,082,851	3,216,775	0	-133,923

BACKGROUND AND DISCUSSION

City Staff have been working on the budget process since March. Each City Department has developed a budget proposal that has been recommended by the City Manager and reviewed by the City Council. Work session on the 2014-15 budget occurred on May 9 and June 10, 2014.

A few changes have been made to the budget since the June 10, 2014 meeting, as found in attachment "A" The net change to budget is an increase of appropriations in the amount of \$---

A deviation from the City Council minimum reserve policy of 15% has been noted for several funds in Resolution 1225-2014.

At this time all recommendations, suggestions, and corrections noted have been implemented into the proposed draft, and the staff recommendation is for the City Council to approve Resolution 1225-2014 adopting the 2014-2015 Fiscal Year Operating and Capital Budget.

**RESOLUTION NO. 1225-2014
A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF RIO DELL
ADOPTING THE OPERATING & CAPITAL BUDGET
FOR THE FISCAL-YEAR 2014-2015**

WHEREAS, the City is required to adopt an annual operations budget pursuant to City of Rio Dell Resolution 966-2007; and

WHEREAS, the proposed budget for the Fiscal-year beginning July 1, 2014 and ending June 30, 2015, as presented by the Finance Department has been reviewed and revised by the City Manager, and the City Council; and

NOW THEREFORE BE IT RESOLVED, that the City of Rio Dell City Council does hereby adopt the City of Rio Dell 2014-2015 Operating & Capital Budget, including revenues totaling **\$53,082,851** and expenditures in the amount of **\$3,216,775**, and appropriation of reserves in the amount of **\$ -133,923** as follows:

Fund	Revenues	Expenditures	Transfers	Reserve Allocation
0 General Fund	772,838	888,968	-33,678	-149,808
08 Building Fund	50,075	80,775	33,678	2978
14 Parks		7300		-7300
20 Gas Tax	90,010	206,506	-6,940	-123,436
24 TDA	108,609	116,217	6,940	-668
27 Solid Waste	8,500	9,500		-1,000
39 CDBG				
40 SLESF	100,000	108,532		-8532
43 Vehicle Abatement		1,250		-1,250
46 Realignment Fund		9601		-9601
50 Sewer Operations	585,298	563,904	-61,211	-39,817
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61 Water Debt Service	140,724	136,000	-166,984	-162,260
62 Water Capital	77,000	45,000	34,584	66,784
74 Recycling		15,033		-15,033
93 Spay Neuter Fund		2868		-2868
Total	3,082,851	3,216,775	0	-133,923

BE IT FURTHER RESOLVED, that the staffing is adopted and funded in the 2014-2015 Operations Budget as follows:

Job Title	2010 2011 FTE	2011 2012 FTE	2012 2013 FTE	2013 2014 FTE	2014 2015 FTE
ACCOUNTANT I/II		1	1	1	
ADMINISTRATIVE ASSISTANT	1				
CHIEF OF POLICE	1	1	1	1	1
CITY CLERK	1	1	1	1	1
CITY MANAGER /PUBLIC WORKS DIRECTOR	1	1	0.75	0.75	1
COMMUNITY DEVELOPMENT DIRECTOR		1	1	1	.80
FINANCE DIRECTOR	1	1	1	1	1
FISCAL ASSISTANT I/II	2	2	1	1	1
POLICE CORPORAL	1				
POLICE OFFICER	5	3	3	3	3
POLICE RECORDS TECHNICIAN	1				
POLICE SERGEANT	1	1	1	1	1
PUBLIC WORKS LEADMAN	1	1			
PW ADMINISTRATIVE TECHNICIAN	1	1			
SENIOR FISCAL ASSISTANT	1		1	1	1
UTILITY WORKER I/II	3	4	3	3	3
WATER/WASTEWATER PLANT OPERATOR			1	1	1
WASTEWATER SUPERINTENDENT	1	1	1	1	1
WATER & ROADWAYS SUPERINTENDENT	1	1	1	1	1
PUBLIC WORKS DIRECTOR	1				
TOTAL	24	20	17.75	17.75	16.80

BE IT FURTHER RESOLVED, as follows:

Section 1.

It is the intention of the City Council in approving and adopting an annual budget to provide financial guidance for routine operations of City business and for the purpose of providing information to the general public.

Section 2.

The adopted annual City budget will be implemented and maintained in accordance with City

Budget Policy as outlined in Resolution 966-2007.

Section 3.

Adoption of the annual budget does not expressly approve expenditures of funds in excess of purchasing authority as outlined by City Resolution, Ordinance, State, or Federal law.

Section 4.

Adoption of the 2014-2015 Budget includes a new fund for the Building Program. As such, it is not projected to have the required minimum Reserve balance as set forth in City policy. Likewise, there is no operational reason to require the TDA Fund (024) and Solid Waste Fund (027) to carry a Reserve balance. Therefore, an exception to the City's Minimum Fund Balance Policy established by Resolution No. 1154-2012 is hereby granted to Funds 008, 024 and 027.

Section 5.

Adoption of the 2014-15 Sewer Program includes an inter-fund transfer of \$244,669 from the Sewer Debt Service Fund (054) to the Sewer Operations Fund (050) in the amount of \$61,211, and to the Sewer Capital Fund (052) in the amount of \$305,880.

Section 6.

Adoption of the 2014-15 Water Program includes an inter-fund transfer of \$166,984 from the Water Debt Service Fund (0061) to the Water Operations Fund (060) in the amount of \$132,400, and to the Water Capital Fund (062) in the amount of \$34,548.

PASSED AND ADOPTED by the City of Rio Dell on this 17th day of June 2014, by the following roll call vote:

Ayes:

Noes:

Abstain:

Absent:

Jack Thompson, Mayor

ATTEST:

Karen Dunham, City Clerk

2014-15 FINAL BUDGET ADJUSTMENTS

Attachement A

1. Add \$16,000 expenditure to City Manager budget (02-5115) for Matson/Vallerga agreements for city hall improvements and planning.
 2. Add \$3,000 of revenue for police department training reimbursement from POST
 3. Add \$18,920 expenditure to Capital budget (14-5115) for school property acquisition and expenses, and Davis St. survey at Edwards Drive and intersection with Eel River -- Charged to general fund (\$9,845), streets (\$1,775) and \$7,300 from Park & Rec. Reserve.
 4. Add \$15,000 expenditure to Capital Project budget (14-5115) for boundary, streets, and drainage ditch survey by Kelly O'Hern in the area of the Eel River Industrial Park/Northwestern Ave.
 5. Remove (\$3,240) from City Council budget (12-5115) for Access Humboldt contract (already in City Manager budget)
 6. Add \$10,000 expenditure to Capital Project budget under the Water fund for repairs to waer line on Old Ranch Road.
 7. Add \$10,000 revenue to Water fund for reimbursement from Old Ranch Road customers for water line replacement.
-
6. Reduce Finance Department budget expenditures by (\$65,199) for staff reduction of Accountant I position.

FINANCE	Account	Amount
	5000 Full Time Salaries	(43,153)
	5030 Overtime Salaries	(200)
	5035 Benefit - ICMA City 45	(4,315)
	5040 Benefit - Health Insur	(11,544)
	5042 Benefit - Life Insuranc	(96)
	5044 Benefit - Dental/Visio	(1,720)
	5045 Worker Comp. Ins.	(438)
	5050 FICA/MEDI	(3,301)
	5055 Unemployment Ins.	(432)
		(65,199)

2014-15 FINAL BUDGET ADJUSTMENTS
Attachement A

7.

Add \$5,331 to Streets budget for water (Account 5152) to City streets areas

STREETS	Account	Amount
Rio Dell Gateway-N. Meter	5152 Water	515
Triangle Park	5152 Water	632
Middle Meter in Front of Rio Dell	5152 Water	456
City Parking Lot	5152 Water	324
South Meter in Front of 750 Wild	5152 Water	2,506
Island across from P.O.	5152 Water	515
Memorial Park	5152 Water	383
		<u>5,331</u>

8. Add a total of \$597 to the following expenditure accounts to department budgets for Rio Dell City Hall water usage

DEPARTMENT	Account	Amount
Bdg. & Pln.	5152 Water	49
City Manager	5152 Water	39
Finance	5152 Water	88
Police Department	5152 Water	147
		<u>597</u>

9. Add a total of \$603 to the following expenditure accounts to department budgets for Rio Dell City Hall wastewater usage

DEPARTMENT	Account	Amount
Bdg. & Pln.	5153 Sewer	91
City Manager	5153 Sewer	73
Finance	5153 Sewer	165
Police Department	5153 Sewer	275
		<u>603</u>

2014-15 FINAL BUDGET ADJUSTMENTS
 Attachament A

10. Increase Water Operations Revenue by a total of \$11,898.

REVENUE - WATER	Account	Amount
Library	4610 Water - Service	427
Streets	4610 Water - Service	515
Streets	4610 Water - Service	632
Fire Department	4610 Water - Service	339
Streets	4610 Water - Service	456
Streets	4610 Water - Service	324
Streets	4610 Water - Service	2,506
Streets	4610 Water - Service	515
Fire Department	4610 Water - Service	5,478
Streets	4610 Water - Service	383
Rio Dell City Hall		
Bdg. & Pln.	4610 Water - Service	49
City Manager	4610 Water - Service	39
Finance	4610 Water - Service	88
Police Departme	4610 Water - Service	147
		<u>11,898</u>

11. Increase Wastewater Operations Revenue by a total of \$2,471.

REVENUE - SEWER	Account	Amount
Library	4510 Sewer	702
Fire Department	4510 Sewer	564
Fire Department	4510 Sewer	1,304
Rio Dell City Hall		
Bldg. & Pln.	4510 Sewer	91
City Manager	4510 Sewer	73
Finance	4510 Sewer	165
Police Departme	4510 Sewer	275
		<u>2,471</u>

2014-15 FINAL BUDGET ADJUSTMENTS

Attachament A

12. Increase Fund budgets for cost contingencies for a total of \$128,451.

FUND	CONTINGENCY	DESCRIPTION
00 General Fund	42,935	5% operating expenditures
20 Gas Tax Fund	9,784	5% operating expenditures
50 Sewer Operations	26,843	5% operating expenditures
60 Water Operations	31,988	5% operating expenditures
74 Recycling	15,033	Fund Balance
93 Spay & Neuter	1,868	Fund Balance
	128,451	

13. Building and Planning Position moved to 4/5 time for a total savings of \$18,215 (General Fund \$12,737, Building Fund 5,478).